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Canada Reparations Commission

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REPARATIONS

1930-1931

REPORT

MALTREATMENT OF PRISONERS OF WAR

ERROL M. McDOUGALL, K.C.,

Commissioner

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OTTAWA
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DEPARTMENT OF THE SECRETARY OF STATE

REPARATIONS, 1930-31

REPORT

*To His Excellency,
the Governor General in Council.*

MAY IT PLEASE YOUR EXCELLENCY:

I have the honour to submit the following Report:

Since the date of my Supplementary Report, dated July 21, 1931, attention has been given to the large number of cases presented by former prisoners of war who claim damages caused by maltreatment. The present Report is designed to include and dispose of all such cases heard up till June 23, 1931. Decisions have been reached and recommendations are now made in 340 cases, leaving only a number of civilian cases yet to be disposed of, together with a further group of soldier cases received or heard after the date above mentioned.

In addition to the sittings referred to in my previous reports, the Commission has held sessions at Halifax, N.S., Montreal, P.Q., Ottawa, Ont., Toronto, Ont., Winnipeg, Man., Calgary, Alta., Edmonton, Alta., Vancouver, B.C., and Victoria, B.C.

These cases have entailed serious study and the work of preparing detailed recommendations in each case has been laborious. I regret that the report should be so voluminous, but I felt that each claimant was entitled to have his case fully reviewed in such detail as the facts and circumstances warranted. Many of the claims asserted should not have been advanced before this Commission, being purely pensionable in nature, and a number of the applicants erroneously regarded this Commission as a means to obtaining an initial or increased pension.

In dealing with these cases, claimants have been required to complete and file statements of claim setting out their grievances, supported by medical certificates indicating their present condition as to disability. Where possible, the medical practitioners who have furnished the certificates have been requested to attend at the hearings. Claimants themselves, in practically every case, have been heard and fully questioned. Every effort has been made to ascertain the actual facts and to measure fairly the damage sustained by each individual claimant. To hold a claimant rigorously to the full, legal proof of his claim would be as unfair as it would be to accept in their entirety the unsupported statements of claimants. Evidence such as would be required in a court of law has not been exacted but, on the other hand, stories, which have become exaggerated with the passage of time, have been carefully scrutinized and confined within the bounds of probability. In only one case (Hunter No. 1846) has the reverse side of the picture been put before the Commission, by a letter from the German Consul General, which seriously assails the accuracy of the claimant's testimony. Had this practice been more prevalent and had both sides been represented at the hearings, it would have simplified the task and facilitated the decision of cases. In the absence of this assistance, the Commission has sought to test, as best it could, the authenticity of the facts as presented in each particular case. This it has been able to do, in some measure, by checking the facts related by claimants with statements made by them (when available) upon

repatriation, by their pension and medical history records and by reports, of an official or semi-official character, as to conditions prevailing in various camps, to which reports I have made reference in the annexed opinion.

Great care must be exercised in distinguishing between service disability and incapacity directly attributable to treatment received while a prisoner. Both classes of injury are, of course, pensionable, but this Commission is concerned only with cases falling under the latter category. By reference to the records of the Board of Pension Commissioners and scrutiny of the pension decisions in favour of claimants, it is hoped that there will be no confusion nor any duplication of awards. It is undesirable that any decisions of this Commission should embarrass the Board of Pension Commissioners in their consideration of claims presented by pensioners or claimants seeking pension. In many cases, of course, claimants in receipt of pension, provided they have made out a case of maltreatment, are entitled to an award from this Commission. The rights to pension and reparation are not exclusive the one of the other.

I have prepared and annexed to the present report a general summary or opinion outlining the principles upon which I have endeavoured to decide the various cases. As to a large number of the cases now under report, the Commission has had the benefit of the co-operation of Dr. J. P. S. Cathcart, Chief Psychiatrist to the Department of Pensions and National Health. Dr. Cathcart has attended most of the sessions of the Commission and I desire to record my high appreciation of his valuable assistance in advising upon the medical and disability aspects of each case. He has prepared and filed with the Commission a report, which I append hereto as indicating his appreciation of the evidence from a medical standpoint.

In arranging the material for the present report, the recommendations are presented numerically in the order in which they were heard, with an alphabetical index and a summary of the awards made. As far as possible, statements of claimants referring to other cases have been checked and verified, in order to bring to each claim all possible corroborative testimony.

A number of claims have been presented by former Imperial soldiers, who only became resident in Canada after the war. As explained in Opinion annexed to my Interim report, dealing with the scope and jurisdiction of the Commission, it was found necessary to fix a date constitutive of jurisdiction for those claimants, British subjects, who had come to Canada to live after the events complained of January 10, 1920, date of the ratification of the Treaty of Versailles, was selected. This was the date upon which, under the Treaty, Germany undertook to pay and assumed what may be regarded as a contractual obligation to make good the damage caused during the war. I see no reason to depart from this principle in dealing with the group of cases above mentioned.

In a few cases claims have been presented by dependents of deceased soldiers who died after their return to Canada. The section of the Annex to the Treaty, with which we are concerned, does not authorize awards upon the ground of dependency, as do the sections relating to civilian claimants. The claim is purely personal to the victim of the maltreatment and does not pass, upon his death, to his legal representatives. Moreover, in such cases it is practically impossible to adduce direct evidence of maltreatment and still more difficult to establish that the death has resulted from the treatment alleged.

In allowing interest upon the amount of the awards, I have followed the principle adopted in dealing with civilian cases and referred to in Opinion annexed to my Interim Report. Regarding the Treaty of Versailles as a specific undertaking on the part of Germany to pay, it seems reasonable to make interest run from the date of the ratification of the Treaty, viz., January 10, 1920.

The present report involves an expenditure amounting to \$93,500, with \$56,100 estimated interest, at the rate of 5 per cent per annum, to say, January 10, 1932—a total of \$149,600.

The Commission has accepted for hearing 932 claims, of which 730 have been heard. The present report, consisting of 340 cases, brings the total number of cases disposed of to 666. There remain 266 cases, made up of 214 military and 52 civilian claims, of which 43 military and 21 civilian have been heard since June 23, 1931.

All of which is respectfully submitted for Your Excellency's consideration.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 13, 1932.

MALTREATMENT OF PRISONERS OF WAR

The clauses relating to Reparations in the Treaty of Versailles, Articles 231 and 232, with Annex 1 to Article 232, contain the following provision dealing with prisoners of war:—

Compensation may be claimed from Germany under Article 232 above in respect of the total damage under the following categories:—

1.
2.
3.
4. Damage caused by any kind of maltreatment of prisoners of war.

While the language of the section is clear, no attempt has been made to define the precise meaning of the term "maltreatment." It will be observed that the addition of the words "any kind of," as applied to the subject, is the converse of restrictive and would appear to indicate that the framers of the Treaty intended to give the word its widest connotation. It would be idle to attempt an exact definition of the term or to set up any rigid standard by which all claims now before the Commission should be governed. I conceive it to be my duty to examine and weigh the circumstances of each particular case and to determine, in the exercise of a wide discretion, whether the claimant has sustained *damage* as the result of *maltreatment* suffered at the hands of the enemy.

Indicative of the manner in which I consider that this discretion should be exercised, it will be useful to state some general guiding principles applicable to the majority of cases and to which reference may be made in the individual decisions.

The wording of the section quoted makes it clear that damage must have been sustained by a claimant as the result of maltreatment to entitle him to recover. This was the view taken not only by the British Reparations Commission, but by the American Mixed Claims Commission in dealing with like cases under similar provisions contained in the Treaty of Berlin. I quote from Report of Lord Sumner—Report V (1923) at pp. 47:—

Paragraphs 2, 3 and 4 of Annex I deal with different categories of personal damage suffered by the civilian population and thereon the following decisions were taken.

I.

II. that Germany owed compensation under the terms of Paragraphs 2 and 3 of Annex I only for those damages which were the direct consequences of the acts stipulated in these paragraphs.

III. that in order that damages suffered by a prisoner of war as a result of maltreatment should give rise to a claim for reparation, it would be necessary

- (a) that incapacity to work should have been the consequence of maltreatment.
- (b) that such incapacity for work should have subsisted after liberation.

In dealing with the claim of an American soldier alleging maltreatment by the Germans, Judge Parker of the United States Mixed Claims Commission, makes this comment—(Docket 1322—Geo. L. Hawley, Record of decisions pp. 651)

The claimant undoubtedly sustained serious injuries as a consequence of the war, but a careful consideration of the record before the Commission fails to disclose *that he has suffered any pecuniary damage resulting from any maltreatment or other act for which Germany can be held liable under the Treaty.*

It would appear to follow from the language of (2) of the Annex which deals specifically with "injuries to life or health as a consequence of imprisonment, deportation, internment or evacuation, of exposure at sea or of being forced to labour" that civilians are entitled to put forward claims for injuries to health which are not available to prisoners of war under (4) which is restrictive

and deals only with "maltreatment" and damage caused thereby. The mere fact of the existence of an injury to health as a consequence of imprisonment (which, in the case of prisoners of war, is legal) without proof of maltreatment inducing the condition complained of does not, in my view, establish liability to pay compensation. Punitive or vindictive damages are thus excluded. As explained in Opinion annexed to my Interim Report, "this Commission has no punitive mission, nor has it any offence to punish." Its functions must be confined solely to *compensatory* damages.

Diverse and various have been the incidents of maltreatment urged in support of the numerous claims. While it is not opportune to attempt an exhaustive enumeration of what acts constitute maltreatment, it may, by way of illustration, be useful to direct attention to certain acts which do not, *per se*, constitute maltreatment. Thus, poor food conditions, in Germany, resulting in impaired health, unless deliberately and unreasonably imposed upon a claimant by the authorities, cannot be regarded as maltreatment. Germany's inability to obtain better food, at least during certain stages of the war, was notorious and obtained throughout the country. A hardship arising from necessity and which was borne alike by the captured and the captors does not constitute "maltreatment."

Again, many claimants complain of being inoculated by the German physicians. The fact that the Germany authorities inoculated and vaccinated prisoners would seem to imply that they were seeking to give them all proper and necessary attention, rather than to maltreat them. Another frequent ground of complaint is the use of paper bandages by the German hospital authorities in dressing the wounds of prisoners, but there is no evidence that any other bandages were available, and it appears that the German authorities were forced to use paper bandages in the dressing of the wounds of German soldiers. This was one of the hardships of war in which claimants were engaged as combatants. Many prisoners who attempted to escape, upon recapture, were severely handled and subjected to solitary confinement under very trying conditions. Provided such punishment was inflicted in accordance with military law and did not go beyond reasonable bounds, it cannot furnish ground of complaint. Germany was entitled to hold her prisoners and to apply to them such disciplinary measures as each case required. To shoot and kill or maim a prisoner in the act of escaping, is not illegal and to punish him, even severely, upon recapture, cannot be termed "maltreatment" unless the punishment, by its violence and inhumanity transgresses the rules applying to the treatment of prisoners by civilized nations. International law recognizes that a prisoner may be "confined with such rigour as is necessary for his safe custody." (Hall's International Law, 8th Ed., p. 487).

The Hague Regulations by Articles 4 to 20 have enacted exhaustive rules regarding captivity, and declare the humane principles relating to the treatment and care of prisoners of war. These rules were prepared in time of Peace before the World War, but to quote "Oppenheim" International Law, 4th Ed., at p. 253, "the experiences of that war disappointed many hopes founded upon them." The matter has also been discussed by jurists of international reputation. I refer to Wheaton on International Law, 6th Ed. Vol. II, p. 722; Hall's International Law, 8th Ed. p. 488; Garner, International Law and the World War 1920. Better to appreciate what treatment a prisoner of war may expect to receive and to set a standard by which the conduct of civilized nations should be governed, the Hague rules, relevant to the present matter, read as follows:—

CHAPTER II.—PRISONERS OF WAR

ART. 4

Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

ART. 5

Prisoners of war may be interned in a town, fortress, camp, or other place, and are bound not to go beyond certain fixed limits; but they cannot be placed in confinement except as an indispensable measure of safety, and only while the circumstances which necessitate the measure continue to exist.

ART. 6

The State may employ the labour of prisoners of war, other than officers, according to their rank and capacity. The work shall not be excessive, and shall have no connection with the operations of the war.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the State is paid for at rates proportional to the work of a similar kind executed by soldiers of the national army, or, if there are no such rates in force, at rates proportional to the work executed.

When the work is for other branches of the public service, or for private persons, the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, deductions on account of the cost of maintenance excepted.

ART. 7

The Government into whose hands prisoners of war have fallen is charged with their maintenance.

In default of special agreement between the belligerents, prisoners of war shall be treated, as regards rations, quarters, and clothing, on the same footing as the troops of the Government which captured them.

ART. 8

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State in the power of which they are. Any act of insubordination justifies the adoption towards them of such measures of severity as may be considered necessary.

Escaped prisoners who are retaken before being able to rejoin their own army, or before leaving the territory occupied by the army which captured them, are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment on account of their previous escape.

ART. 17

Officers taken prisoners shall receive the same rate of pay as officers of corresponding rank in the country where they are detained; the amount shall be refunded by their own Government.

ART. 18

Prisoners of war shall enjoy complete liberty in the exercise of their religion, including attendance at the services of their own Church, on the sole condition that they comply with the police regulations issued by the military authorities.

ART. 20

After the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible.

Ideal as may be the conditions of captivity provided in the foregoing rules, it is doubtful whether any captor has been, or will be, able to conform completely to this desirable standard. The inevitable exigencies of a war bring about departure from the principles stated. It is certain that Germany fell far short of the application of these rules to its prisoners in the World War. Oppenheim, *op. cit.* at pp. 258, says:—

These rules of the Hague Convention had, as has been said, been laid down in time of peace; and in war the attitude of belligerents towards prisoners is liable to change. All the States involved in the World War charged one another with violating the Hague Regulations by the maltreatment of prisoners of war, and at an early stage they arranged for inspection by neutral representatives of the camps on their territory. The reports of the

inspectors disclosed conditions at certain times in certain German camps which were very bad, and made it clear that almost everywhere in Germany, prisoners were suffering great hardships insufficient food and clothing. The reports on British and French camps were almost uniformly satisfactory. None the less, Germany disbelieved them, and resorted to reprisals for the alleged maltreatment of German prisoners, while the Allies, in their turn feared that conditions in the camps in Germany were even worse than appeared from the reports. Whatever may be the evidentiary value of some of the charges, undoubtedly the Hague Regulations *were grievously violated by Germany in letter and in spirit.*

Applying the strictest legal construction to the acts of Germany in the light of the rules quoted, would involve a finding that in practically every case there had been maltreatment, but I regard such a construction as unduly harsh and literal. Not in justification of, but perhaps in partial extenuation of, the treatment accorded by Germany to its prisoners of war, it is worthy of note that over 1,600,000 Allied prisoners were taken and held by the enemy in the early stages of the war and remained in captivity for over three years, to say nothing of the internment of practically the entire enemy alien population. The magnitude of the problem thus suddenly thrown upon Germany of caring and providing for so great a number, was beyond her power to accomplish strictly in accordance with the regulations laid down in the Hague Convention. (Garner, loc. cit., vol. II, p. 1.) As the war progressed and the pressure of the allied blockade upon Germany was intensified, it became increasingly difficult to feed, clothe and care for this vast army of prisoners. At various stages of the war agreements were entered into by the belligerents looking to the betterment of the conditions under which prisoners were held, providing for exchange of the disabled and dealing with various grounds of complaint. In general, it cannot be said that these agreements, so far as Germany was concerned, brought any great amelioration to the lot of the prisoners in its hands.

The treatment of prisoners of war varied very considerably in the different camps, and even in the same camp at different periods. I have had the advantage of having before me the reports made to the British authorities through the United States Ambassador to Germany, Mr. Jas. W. Gerard, upon the conditions and treatment of prisoners in a number of the camps where claimants were held, as also report of Lord Justice Younger in November, 1918, dealing with conditions in the coal and salt mines where British prisoners were held. These reports throw a valuable light upon conditions generally and have been of great assistance in reaching conclusions. Without attempting to detail conditions as they existed in the numerous camps in which Canadian prisoners were held, it is proper that attention should be called to what was possibly the worst prison camp in Germany—at Wittenberg—the seat of a typhus epidemic in 1915, which marks the height of German callousness in the treatment of prisoners. Between 15,000 and 17,000 prisoners were confined in the camp—of all nationalities—within an area of 10½ acres. Little or nothing was done to prevent the spread of the epidemic, which broke out in December, 1914, and the German military and medical staffs ignominiously deserted their charges, so that with rare exceptions they had no communication with the prisoners until August, 1915, except by means of directions shouted from a distance outside the wire fences. In commenting upon this camp, Lord Justice Younger's committee said: "Incredible as it may seem, the action of the officers and guards in precipitately deserting the camp and thenceforth controlling its caged inmates with loaded rifles from the outside, was only in keeping with the methods and conduct of these men throughout." (See Garner, op. cit. Vol. II at pp. 19 (Note).)

The evil fame of the salt and coal mining camps to which prisoners were sent for punishment became notorious. Lord Younger's report above referred to deals with conditions there obtaining in no uncertain terms. He describes life in these camps as "a singularly cruel and dangerous form of slavery." In explanation of the system adopted in these camps he says:—

The prisoners in the mining camps are hired out by the German Government to private firms, a military guard, under a non-commissioned officer, being attached to each kommando to maintain discipline. Special precaution is obviously necessary in these circumstances to

ensure that the N.C.O. or "Kommandofuhrer" is fully responsible to his military superior at the parent-camp, and also that he has no immediate interest in overworking the men. Both these elementary considerations have been ignored by the German authorities. The "Kommandofuhrer" and his subordinates are openly bribed by the contracting firm to get as much work as possible out of the prisoners; and on the other hand the control of the prisoners is divided, at any rate in practice, between the military command and the civilian foreman who direct the work in the pit. These latter are actually armed with revolvers, and in some of the coal-mines they appear to take over, during the working day, the full powers of the military guard, which remains above ground. Not only can the foreman, or "steiger" report the prisoners for regular punishment in the camp, but he can and does ill-treat them on the spot without any interference. There is abundant evidence of the serious dangers to which the men are thus exposed. Moreover, as they naturally defend themselves as best they can against such uncontrolled tyranny, the foreman is in the habit of calling in the civilian miners, at work in the same pit, to help him in coercing the prisoners. This proceeding, it need scarcely be said, is justly and indignantly resented. It is a constant source of trouble, and acutely intensifies the embitterment of feeling all round; even though a result of these conflicts has certainly been, in some places, that the German miner has learned a decided respect for the British prisoner of war.

Dealing particularly with the Beienrode mine (parent camp Hameln) where many of the claimants, now under report, were held prisoner for upwards of three years and as to which we have an abundance of detail as to cruelty, violence and general maltreatment, Lord Younger says:—

The officially recognized punishment is simply 14 days cells, but besides the fact that the cell may be such as is described above, there are other methods of aggravation. One, practised in many of the salt mines, is to ordain that the 14 days shall be worked off on Sundays only, with extra labour on week days, thus ensuring that the offender is deprived of any hour of respite for 14 weeks. But more commonly the "Kommandofuhrer" takes the opportunity of wreaking a kind of personal revenge; for to permit an escape is of course the one offence for which he stands openly condemned in the eyes of his superiors, and it may doubtless be a serious matter for him. He accordingly adds to the official arrest an informal thrashing and battering administered by the sentries. This has been the rule among other places, at the salt mine of Beienrode (parent camp, Hameln), where the method of Sunday arrest is also enforced.

It is unnecessary further to expatiate upon the vile conditions of life and treatment in such camps. Almost is it enough for a claimant to prove that he was held a prisoner in such a camp to establish maltreatment and consequent disability. It has been said that prisoners have exaggerated the brutality to which they were subjected. To cite one instance only in refutation of this view, I quote from Garner (*op. cit.* Vol. II, pp. 47) in regard to one form of punishment.

The forms of individual punishment were various, and some of them not without an element of brutality. The most criticized of these was the practice of tying the prisoner to a post with his hands behind him, where he was compelled to stand for some hours in the heat of the sun or in the cold. Sometimes he was suspended with his feet dangling above the ground; sometimes he was compelled to stand for hours with a heavy load on his back or walk to and fro with a heavy sack of bricks on his back.

It is abundantly clear from the ensemble of the evidence in these cases that many men invited or provoked treatment which was harsh and brutal and while this may be no excuse for the callous and malevolent cruelty which some prisoners underwent, it must receive consideration in considering their cases. Many witnesses declare that punishment or abuse could be avoided by a proper obedience to the camp rules and compliance with the wishes of their captors. One very general complaint has to do with the work prisoners were called upon to do and the punishment meted out upon refusal to work. It is well to recall that the captor is entitled to demand that his prisoners do labour of certain kinds and subject to certain conditions. (See Hague Rules, *supra*. pp. 9, Art. 6).

Linked with the complaint as to work is the fact urged by claimants that they were inadequately fed to carry out the arduous tasks to which they were assigned. This is the universal grievance at the worst camps, such as the salt mines. It is undoubtedly true that lack of food with hard manual labour must

and did have a most unfavourable repercussion upon the health of the men involved, and these conditions have been given the fullest consideration in the recommendations made.

One group of claimants has received very careful consideration. I refer to prisoners who were held behind the lines and made to work under shell fire and upon German operations of war. Although contrary to the Hague Rules and Agreements made between the combatants, this practice was prevalent particularly in the later stages of the war and was resorted to, so it is said, by way of reprisal for similar labour and treatment alleged to have been imposed upon German prisoners in Allied hands. The lot of these unfortunate prisoners was most pitiable and while they may have been only a short time in captivity, their physical and mental sufferings were so intense as to merit special consideration. There is an abundance of testimony in the findings of the Commissions set up to investigate these cases and the reports of Lord Younger bear out the stories of deliberate starvation, cruelty and brutality which these claimants tell. To cite one instance only, I quote from report of Lord Younger dated March 6, 1918 (Miscellaneous Documents, No. 7, 1918), as follows:—

Many were brought into the camp who had returned from working behind the lines; they were in a shocking state, literally skin and bone, hardly able to walk, and quite worn out physically and mentally; their clothes threadbare and in rags, without boots, wearing old rag slippers

In a great majority of cases, no specific sum has been claimed as compensation and the amount has been left to the determination of the Commission. The difficulty of finding the measure of damage, in cases of this class, is obvious. To compensate a man for his loss depends upon factors of so diverse a nature, that no precise pecuniary standard can be adopted. It is not a case of supplementing pension awards as so many claimants seem to think. The right to pension is open to all returned men, and in so far as injuries may have been sustained through maltreatment the remedies are co-extensive. Whether pension or reparation, awards must be regarded as compensation for disability, but it is manifestly impossible in either case to apply the full measure of legal indemnity, recognized in the familiar legal principle of *restitutio in integrum*. It would be absurd to say that a man who has lost a leg or an arm can be restored to the same position in which he was, by virtue of a pecuniary award. See per Lord Dunedin in *The Valeria*, A.C. 1922, at p. 248. The money cannot replace the leg or arm. All that can be hoped is to estimate as closely as possible what the loss has been and then arbitrarily to fix a sum which appears to be just compensation for the loss. The criterion is not and cannot be solely loss of earnings. The majority of the claimants were boys when they enlisted and a comparison between what they earned before the war with what they now earn, would not be profitable in trying to reach conclusions. If it were possible, psychologically, to measure the precise diminution in a claimant's earning power, some measure of exactitude could be brought into the calculation, but the human equation differs so greatly that it is idle to endeavour to find a positive factor of measurement. Where the record discloses what may be regarded as maltreatment and the claimant discharges the burden of showing that disability results therefrom, he becomes entitled to an award. What the amount of such award should be will depend upon the severity of the maltreatment shown and the degree of resultant disability. To assure uniformity of award, I consider that the method of procedure should be to fix an amount for what may be termed simple maltreatment, with some resulting disability, and rate the various cases with reference to this basic figure. I have, therefore, adopted as such minimum award, the sum of \$500 and each case has, accordingly, been judged with reference to this figure.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, January 13, 1932.

REPORT OF DR. J. P. S. CATHCART

OTTAWA, January 11, 1932.

ERROL M. McDougall, Esquire, K.C.,

Commissioner, Royal Commission for the Investigation of Illegal Warfare
Claims and for the Return of Sequestrated Property in Necessitous
Cases, Trafalgar Building, Ottawa.

SIR,—I have the honour to report the results of my survey of the medical aspects of the claims made before the Reparations Commission by approximately five hundred ex-prisoners of war.

My services were not available during the first session of the Commission, but I had the privilege of attending the later sittings in Toronto, Ottawa and Western Canada. During these sessions I heard the cases of every claimant and examined so far as was possible the claimants, numbering about two hundred. With the knowledge gained from personal examination of two-fifths of the total number of applicants it has been possible, after careful review of each individual file, to give a reasonably accurate opinion in the remaining three hundred cases. Not only this, but I have been able from a medical point of view to draw certain definite conclusions regarding the after-effects of imprisonment in the whole group of ex-prisoners of war.

In arriving at these conclusions due allowance has been made for the fact that thirteen to sixteen years have elapsed since the termination of imprisonment. It would be expected that after such a lengthy period the ordinary incidence of accidents and diseases in men now reaching the average age of forty would bring forth its own toll of disabilities, but comparison has been made by using as a standard the average health of ex-service men, with which I am in contact daily in Departmental work.

Although it was apparent that the object of the majority of the claimants was to bring to the attention of the Commission certain injuries, alleged to have been sustained as prisoners of war, I was inclined to emphasize the impairment of health as result of general conditions rather than the direct or indirect results of specific injuries, violence or abuse. In spite of the numerous claims, I was particularly impressed with the type of men represented in the group of claimants. For the most part the claimants compared very favourably with the average returned soldier; in that on discharge from the army they quickly resumed employment and have lived in a quiet, self-respecting manner since. I was particularly impressed with the spirit of independence as shown by the fact that many preferred to seek medical advice on their own without appeal to the Department of Pensions and National Health. This is probably explained by the anticipation of rapid restoration to health with freedom, help of good food and other comforts of life. I believe that in many cases this has been the fortunate result, but in the select group whose cases have been heard before the Commission there is reason to believe that in some, this restoration to health has been but partially realized.

It is very difficult to outline in a connected clinical description this impairment in health. My impressions were gained, as much if not more, from the authentic histories of individual cases as from the tangible results of examinations made at the time of the Commission hearing; in other words many of these men had the appearance of health, but the frequent occurrences of certain symptoms and illnesses, as listed below in order of their frequency, persuaded me to believe that this appearance was in some measure deceptive.

1. DENTAL CONDITIONS

With few exceptions no claimants were found to have reasonably perfect teeth corresponding to age. It might be pointed out here that the average age of this group did not appear to be quite as high as the average of general C.E.F. enlistments. More than fifty per cent of the claimants were born in the 90's. During the early hearings nearly every claimant attributed the absence of teeth to the effects of injury, the results of being struck on the mouth by rifle butts, clubs, etc. When it was pointed out how infrequently the corresponding lower teeth were involved, these claims of injury were seldom advanced in subsequent hearings.

About sixty per cent of the claimants were wearing artificial dentures, of which the vast majority were uppers. Many of those wearing dentures, who had remaining teeth exhibited pyorrhoëa and dental caries of varying degree. Of those who presented a minimum degree of dental defects, inquiries revealed that prophylaxis could be carried out during the period of imprisonment in Germany. Therefore, it is reasonable to conclude some of the dental defects were the result of unhygienic habits or laziness. I was under the impression, however, that a large factor was a lowered resistance to dental infection and the necessity to extract carious teeth, proper dental facilities not being available.

5. GASTROINTESTINAL SYMPTOMS

The majority of claimants presented one or more of the following gastrointestinal symptoms listed below in order of frequency.

(a) Squeamishness; nausea in the morning, and lack of appetite for breakfast. Quite frequently this symptom was associated with morning cough and phlegm.

(b) The necessity to place certain restrictions on diet both as to quantity and variety. Greasy foods and meats were particularly tabooed. On the other hand milk was frequently preferred.

Indiscretions in diet gave rise to:

(c) Pyrosis and belching after meals.

(d) Peculiar sensations in the abdomen, varying from discomfort and heaviness to quivering sensation, less commonly definite pain and that not always related to meals; most frequently on an empty stomach.

Other symptoms:

(e) Alternate diarrhoea and constipation. This symptom was comparatively mild and though usually present was infrequently stressed.

(f) Haemorrhoids not very frequent.

(g) Rarely symptoms suggestive of definite gastric or duodenal ulcers.

(h) Mucous colitis.

(i) Some cases suggest autonomic imbalance, chiefly of gastrointestinal mechanism.

(j) Constipation: This complaint was rarely volunteered. In most applicants it was elicited by question.

It seems important to draw attention here to the frequent use by the Germans of disciplinary restriction in diet (bread and water) and the very opposite circumstance which affected all alike—that of being gorged after receipt of Red Cross parcels. As many of the claimants put it "It was either a feast or a famine."

3. CHRONIC PHARYNGITIS AND BRONCHITIS

The vast majority complained of irritating cough, particularly on rising in the morning. In others there was a history of recurring colds and difficulty in shaking them off.

4. REDUCED RESISTANCE TO INFECTION

The histories of a great majority of claimants revealed a story of recurring infections during the periods of imprisonment in Germany. The most common infection was that of boils, but other low-grade infections were frequently mentioned, including carbuncles, septic sores, tonsilitis, quincy, bronchitis and suppurative otitis media. Those who worked in the salt mines seemed to have been particularly vulnerable.

About 40 per cent of the claimants heard at the Toronto Session gave histories of recurrences of one or more of these infections since discharge from the army. Other but less frequent infections continuing into the post-discharge period are sinusitis, ischio-rectal abscesses, whitlows, cellulitis and erysipelas. A few cases of stone in the kidney or gall bladder seemed to fit into this group of reduced resistance to low-grade infections. A most striking feature of this apparent reduced resistance to infection came to my notice during the first session that I attended. In this session which was held in Toronto, April, 1931, I noticed the apparent absence of susceptibility to chronic infection in those who had been employed since discharge from the army at outside occupations, namely, farmers, policemen, etc.; whereas the real picture of reduced resistance to infection was regularly obtained in those employed in factories.

Most convincing proof of the influence of industrial and living circumstances in modifying the picture of reduced resistance to infection was obtained during the Commission Session in Western Canada November, 1931. During this session some 47 ex-soldier claimants were heard in Winnipeg, Calgary, Vancouver and Edmonton. I made inquiries from all these claimants regarding the symptoms which were most frequently observed in the Toronto District cases. In not one of these 47 claimants was there obtained a history of post-discharge susceptibility to chronic infection. Even those prisoners of war who mentioned having had boils, septic sores, tonsilitis and other minor infections while in Germany were strikingly free from continuance of these illnesses subsequently. The findings in the Western cases permit a definite conclusion regarding the probable factor in the clinical picture of susceptibility to low-grade infection. In the West farming is the common occupation and indoor employment is comparatively rare. It is my opinion, therefore, that there is one common factor operating in this group to modify or eliminate the clinical picture observed so frequently in the Toronto cases, namely, a high incidence of outdoor occupation and outdoor recreational activities combined with the advantage of having more available sunlight, except perhaps in certain parts of British Columbia. Whatever difference exists in the case of British Columbia is more than compensated for by the milder climate which permits outdoor occupation during seasons which in the other Western provinces would interfere with these activities.

5. NERVOUS COMPLAINTS

In the majority of those who volunteered nervous complaints there was exhibited an almost unique syndrome, not exactly recognizable as one of the common psychoneuroses, although obviously belonging to that class. The symptom which appeared most frequently was that of fatigue towards the end of the day. In a great many this fatigue was probably present at all times and explains the frequent complaint of irritability and lack of initiative and "pep." Annoyance with trifles, tendency to avoid company, or rather very jovial or noisy company, were often mentioned. I questioned many of the applicants regarding hobbies or outside interests and the majority admitted none, even those who had no financial excuse. Emotional instability was noticed quite frequently. Two applicants while relating their experiences left the room in tears but when no fuss was made over this they returned voluntarily

within a few minutes and continued the discussion of their complaints without further difficulty. In some others a similar type of emotionalism was thought to be not far from the surface. Other complaints were of dizziness, affected by changes of posture, some minor phobias, such as fear of crowds and of heights; jumpiness was a common symptom and occasionally sleep was disturbed because of this tendency. Some of the applicants exhibited a certain degree of touchiness and in two or three a resentful attitude was encountered, which attitude seemed to be at variance with the individual's personality. Probably, therefore, it was an expression of this irritability. A fairly frequent complaint was that of insomnia, which, on inquiry, amounted merely to an abnormal wakefulness on retiring. Rarely was sleep disturbed by dreams.

On account of the peculiar features of this symptom complex I was at first inclined to place considerable stress on the frequent association of gastrointestinal complaints with the nervous symptoms, and therefore to regard the latter as a form of neurasthenia with visceral hypersensitiveness, or on the other hand as a sort of nutritional neurosis. The younger men exhibited this syndrome more frequently than those of more mature years. My first conclusion was that during imprisonment there was a gradual reduction of the store of physical energy, with secondary demands on the store of nervous energy occasioned by the necessity, under pressure of the strict discipline of internment camps to put forth too great an occupational effort considering the amount and quality of the food available. It seemed natural that youthful individuals having less physical stamina would be the first to succumb under such circumstances.

After learning more of the psychological peculiarities of the ex-prisoner of war and after seeing the same nervous syndrome in the Western cases which presented no such picture of nutritional defects, I began to appreciate and later to emphasize the psychic element. The latter was brought very forcibly to my attention by a remark of a former prisoner of war who attended one session of the Commission in another capacity than as a claimant. He more or less accidentally made known the fact that he had been a prisoner in Germany during the war. Out of curiosity and because of his obvious excellent physical and mental vigor, he was questioned regarding his experiences, which proved in many ways to be identical with or even more exacting than that of the average claimant. He was asked why it was that he was not affected in the same way as those whose complaints he had overheard. He replied with a smile "I got even with them" and explained in detail how this had come about.

This ex-prisoner's description of the elaborate and persistently irritating means adopted by the Germans to enforce discipline and to cow the spirit of those who did not immediately conform to that discipline was exactly similar in every detail to that submitted by many of the claimants; yet he had been enabled to discharge his pent-up resentment by having an opportunity "to get even." This, in my opinion, is the essential point in the elimination of the neurosis picture in his case.

There are numerous other factors to be considered in attempting to understand the peculiar psychology of the ex-prisoner of war and in evaluating the potential causes of the unique nervous manifestations exhibited in some of the applicants; the chagrin and humiliation of being taken prisoner, the disillusionment of existence as a prisoner, the absence of many offsetting factors which made life bearable and even enjoyable on the Western Front. For instance, pride in regimental achievements, comradeship in adventure, regular correspondence with relatives, leave, visits to estaminets, and perhaps more important than all, an outlet in active interest in Battalion associations since discharge from the army. I would not attempt to make comparison between service on the Western Front and that as prisoner of war for similar periods. The experiences were totally different, not only during the war but since. The

majority of ex-prisoners not having a similarity of interest in reminiscences, have lost contact with their former battalion comrades and have found it difficult to attach themselves to organizations or associations. This seems to be paralleled by similar contraction of interest in other social activities; as result many of these men lead very quiet existences, very often with material benefit to themselves. They are for the most part inclined to be serious minded and get their enjoyment out of life in a much quieter way than other ex-service men of the same age and social status.

6. SKIN.

There were a few cases of recurring rash on the hands. In two of these similar rash occurred elsewhere, on the sides of the tongue and on the back of the neck. Two men who presented the rash on the hands before the Commission stated that it had begun a few weeks previously with small blisters, fairly deep-seated but which slowly came to the surface and tended to coalesce in some places.

On the hands the rash occurred mostly on the backs of the fingers and occasionally between them. It was described as itching and burning. In my opinion it resembled cheiropompholyz. A few cases of psoriasis were observed.

7. JOINTS.

It was not unusual to have complaints of arthritis submitted. I examined the claimants and with the exception of one case of alleged traumatic synovitis, no swelling or suspicion of former swelling was noticed; in fact the claimants admitted that at no time were joints swollen, yet they distinctly referred their pain to such locations. A few complained of neuritis and sciatica and attributed this to exposure and dampness. I was under the impression, however, that the probable factor may have been chronic foci of infection.

8. NEPHRITIS.

Two cases of nephritis were presented, both on pension, as the condition was on record as having been contracted during service.

STERILITY

One comparatively frequent circumstance has been omitted from the group of symptoms enumerated above. I do not know whether it has any significance but at least it deserves mention. The majority of our applicants were married since the war, shortly after discharge from the army and return to civil life. Quite a large number of these have had no children, or at most one or two. I questioned a great many of these outside of Commission hearing because of the delicacy of the subject.

In only one was impotence admitted. Nearly all the others attributed the apparent sterility to mere chance, but quite a few had accepted the view that their wives were unable to have children for various reasons. I was inclined to interpret this in another way, that some of these men possibly were sterile themselves, but due allowance must be made in these days for the intentional limitation of families because of economic necessity.

Although I am convinced of the existence of a definite symptom complex in many of the applicants, I do not think that it amounts to a very serious disability, not over ten to fifteen per cent on the average, excepting those few who have such highly disabling conditions, such as effects of wounds and pulmonary tuberculosis. It is interesting to note that those who are in receipt of pension and, therefore, specially provided for, present the above symptoms in

very minor degree. This also applies to those who have generous incomes and those whose occupations (farmers) are usually associated with good living conditions—open air, sunlight and substantial food.

After making allowance for a certain degree of exaggeration of hardship, abuse, etc., in individual cases and after consideration of the fact that much of the evidence given in each case was published in the daily newspapers and was, therefore, available to applicants and counsel, I am quite convinced that most of the claimants who spent long periods as employed prisoners of war in Germany, still exhibit some after-effects of this service, largely attributable to prolonged deprivation of certain foods, more particularly those foods on which depends the preservation of good health in contradistinction to those foods which merely provide sustenance. The latter seem to have been available in sufficient quantities, providing the men were not called upon to perform very laborious tasks or to do over-time work, or to endure dietary punishment, of which many complained.

I have the honour to be sir,

Your obedient servant,

(Sgd.) J. P. S. CATHCART, M.B.,

Chief Neuropsychiatrist.

MALTREATMENT OF PRISONERS OF WAR

SCHEDULE OF DECISIONS

Case No.	Name of Claimant	Decision
1362	Louis Victor Lefebvre.....	Disallowed
1645	John W. R. Menear.....	\$600.00
1677	Alexander B. Clarke.....	Disallowed
1697	William P. Badenoch.....	\$1,500.00
1749	George Royston.....	\$1,500.00
1752	Alfred Todd.....	Disallowed
1758	Arthur H. Harland.....	Disallowed
1766	Horace A. W. Collom.....	Disallowed
1802	Christopher MacDonald.....	Disallowed
1814	James A. Baird.....	Disallowed
1843	Howard Marsden Brown.....	\$500.00
1844	George Henry Pepper.....	\$500.00
1845	Wm. H. Glenfield.....	\$500.00
1846	Gordon Douglas Hunter.....	Disallowed
1847	Robert Edmund Clublely.....	\$800.00
1848	Alexander MacAuley.....	\$500.00
1849	Frank Lewis Austin.....	\$500.00
1853	William Henry Edwards.....	Disallowed
1854	William F. Lickers (now Walton Foster).....	\$3,000.00
1856	Lt.-Col. John E. L. Streight, M.C.....	Disallowed
1866	Major Clyde R. Scott.....	\$2,000.00
1867	John McAuley.....	Disallowed
1868	Donald Harry Laird.....	Disallowed
1869	Leslie Perkins.....	Disallowed
1870	Arthur John Sloane.....	Disallowed
1871	George Fraser McAlister.....	\$1,000.00
1872	George Barton.....	\$500.00
1873	Frederick Webb Roadhouse.....	\$700.00
1874	Ernest William Hopkins.....	\$1,000.00
1875	Ernest Osborne Callighen.....	\$800.00
1876	Major Leonard Septimus Morrison.....	Disallowed
1877	Arthur William Cane.....	\$500.00
1878	Archibald Peter Campbell.....	\$1,000.00
1879	Archibald C. McBride.....	\$700.00
1880	Frank Haley.....	\$800.00
1881	Bertram McConnell.....	\$600.00
1882	Hilton Howard Howe.....	Disallowed
1883	John McGivern.....	Disallowed
1884	Horace Pickering.....	\$500.00
1885	William O. Tindale.....	Disallowed
1886	Thomas George Tuck.....	\$500.00
1887	John Kennedy.....	Disallowed
1888	Eric R. Seaman.....	\$1,000.00
1889	Charles Alexander Gordon.....	\$600.00
1890	Henry Ralph.....	Disallowed
1891	Harold Ashling.....	\$500.00
1892	Daniel Douglas.....	\$800.00
1893	William Langford.....	Disallowed
1894	James Black Farnell.....	Disallowed
1895	J. G. Baker.....	\$500.00
1896	Clifford Ross Wilkings.....	\$1,000.00
1897	Archibald Taylor.....	Disallowed
1898	William Walker.....	\$700.00
1899	James Sullivan.....	Disallowed
1900	John Alfred McCallum.....	\$600.00
1901	Herbert Franks.....	Disallowed
1902	Samuel Porter.....	Disallowed
1910	Frederick Bone.....	Disallowed
1911	James Jackson Connolly.....	\$700.00
1912	George Henry Johnson.....	Disallowed
1913	Ralph B. Wallace.....	Disallowed
1915	George Stevens.....	\$500.00
1916	Charles Sinclair Parsons.....	Disallowed
1917	William Fraser.....	\$600.00
1918	George William Frost.....	\$1,600.00
1919	John Thompson Hewitt.....	Disallowed

SCHEDULE OF DECISIONS—Continued.

Case No.	Name of Claimant	Decision
1920	Major Thomas Venables Seudamore.....	Disallowed
1921	Leonard James Stanway.....	Disallowed
1922	Joseph S. McCulloch.....	\$600.00
1923	Arthur Gibbons.....	Disallowed
1924	Edward Henry Hyde.....	\$700.00
1925	Garnet F. Gregory.....	Disallowed
1926	James Hazlett.....	Disallowed
1927	David Patrick Quinn.....	\$600.00
1928	Cyrus Roy Hall.....	Disallowed
1929	Colin Victor Earle.....	\$1,500.00
1933	John Alexander Page.....	Disallowed
1934	Francis Morin.....	\$800.00
1935	Merton Egbert Ellsworth Kittredge.....	Disallowed
1936	J. Guy Kinch.....	Disallowed
1938	Carl Frederick Hamlin.....	Disallowed
1946	C. F. Davison.....	Disallowed
1947	Lorne Albert Higgs.....	Disallowed
1948	Charles Scarfe.....	Disallowed
1949	John Curtis.....	\$2,000.00
1952	John Bratten Peters.....	Disallowed
1953	Leonard L. Ling.....	\$600.00
1954	Robert Elmer Stewart.....	Disallowed
1955	Percy R. White.....	Disallowed
1956	Frank J. Munro.....	Disallowed
1957	William May.....	\$500.00
1958	John L. Davis.....	Disallowed
1959	James Walls.....	Disallowed
1961	James Cubert D'Aoust.....	Disallowed
1963	Samuel Ramsden.....	\$1,000.00
1964	Arthur Stanley Herber.....	Disallowed
1966	John David Livingstone.....	Disallowed
1967	George Alexander McGee.....	Disallowed
1970	James Morton Valentine.....	\$1,000.00
1971	Harry Thomas Tandy.....	\$500.00
1972	John G. Hadden.....	\$600.00
1974	Thomas Bow.....	Disallowed
1975	George Scott Gibson.....	Disallowed
1976	Mark Joseph Steeves.....	Disallowed
1977	George D. Scott.....	\$700.00
1983	Peter Herman Robinson.....	\$500.00
1984	William H. Ashford.....	\$500.00
1986	Alfred Kendall.....	Disallowed
1987	Herbert Spenceley.....	\$500.00
1989	William Dowland.....	Disallowed
1992	Robert James Randolph Russell.....	Disallowed
1994	Arthur S. Wyllie.....	\$500.00
1995	Frank G. Pinder.....	Disallowed
1997	James Joseph Martin.....	Disallowed
1998	D'Arcy Albert Latimer.....	\$800.00
1999	William B. McCuaig.....	Disallowed
2000	T. B. Hartling (dec'd).....	Disallowed
2001	Rodney George Kightley.....	Disallowed
2002	Robert John Parkinson.....	Disallowed
2003	Stephen O'Brien.....	\$600.00
2004	Stephen Leblanc.....	Disallowed
2005	Bernard J. Brown.....	\$500.00
2007	William Alban Richards.....	Disallowed
2008	William Ernest Colborne.....	Disallowed
2009	Charles A. Summers.....	Disallowed
2010	Percy Gladstone Stott.....	\$600.00
2011	Fred James Shearman.....	\$500.00
2012	Dr. Walter Reuben Wigmore Haight.....	Disallowed
2013	Harry Joseph Deslaurier.....	Disallowed
2015	Frederick Victor Britt.....	Disallowed
2016	Robert William Bradley.....	Disallowed
2017	Charles G. Partridge.....	\$1,200.00
2018	Charles Murdock.....	Disallowed
2020	Albert Victor Edward Allen.....	Disallowed
2021	Alfred William Beckett.....	Disallowed
2022	Sidney Wilfred Barrett.....	\$500.00
2024	James Beattie.....	Disallowed
2025	William Bertram.....	Disallowed
2026	Richard Barclay.....	Disallowed

SCHEDULE OF DECISIONS—Continued.

Case No.	Name of Claimant	Decision
2027	Frederick W. Barrett.....	\$1,200.00
2028	John Ball Bailey.....	\$800.00
2029	Frederick James Bridgman.....	Disallowed
2030	Alfred George Blake.....	\$500.00
2031	Robert Burley.....	Disallowed
2032	Ernest Comins.....	\$500.00
2033	Richard Eugene Codresco.....	Disallowed
2035	Albert Edward Cross.....	\$500.00
2036	Angus Campbell.....	Disallowed
2037	Victor William Couche.....	Disallowed
2038	George Chappell.....	\$500.00
2039	Joseph George Edward Crane.....	\$500.00
2040	Enos Cooper.....	\$500.00
2041	Philip Sydney Conibear.....	\$700.00
2042	John Cody.....	\$500.00
2043	Archibald Cooke.....	Disallowed
2045	George Sparks Day.....	\$500.00
2047	Albin Percy Dunbar, D.C.M.....	Disallowed
2048	Robert Davidson.....	Disallowed
2049	Edward Edwards.....	Disallowed
2050	James Alexander Everett.....	Disallowed
2051	Alfred Elliott.....	\$500.00
2053	John James Fellowes.....	Disallowed
2054	William John Grant.....	Disallowed
2055	Robert Henry Green.....	Disallowed
2056	George Bell Gallagher.....	Disallowed
2057	George Osborne Rich Greenhow.....	Disallowed
2059	Frederick Thomas House.....	\$500.00
2060	John Alfred Holdsworth.....	Disallowed
2061	Percy T. Harrell.....	Disallowed
2062	Bernard William Hannan.....	\$800.00
2063	Herbert Seymour Hunt.....	Disallowed
2064	Edward Patrick McQuade.....	Disallowed
2066	Victor Albert Jefferies.....	\$600.00
2067	Thomas Jackson.....	\$700.00
2068	Robert Johnston.....	Disallowed
2069	George Christopher Jennings.....	Disallowed
2070	Josiah Alfred Johnson.....	Disallowed
2071	Robert Joseph King.....	\$500.00
2072	John Wyman Kensett.....	Disallowed
2073	Fred David Lorsch.....	Disallowed
2074	Alfred Lacey.....	Disallowed
2075	Philip L'Abbe.....	Disallowed
2076	Harry Clayton MacDonnell.....	\$500.00
2077	Frederick James McMullen.....	Disallowed
2079	James Cleary MacNeill.....	Disallowed
2080	James Milne.....	\$600.00
2082	Robert Gordon McKay.....	Disallowed
2083	Thomas James Noon.....	\$700.00
2085	Peter Comiston Nicolson.....	\$600.00
2086	Frank O'Donohue.....	Disallowed
2087	George Homer Patterson.....	Disallowed
2088	Stanley Edward Parker.....	\$600.00
2089	Ernest Albert Pay.....	Disallowed
2090	William Parker.....	\$600.00
2091	Alfred Walter Peagram.....	\$1,000.00
2092	Gordon James Price.....	Disallowed
2093	Edward Rodgers.....	Disallowed
2094	William Russ.....	Disallowed
2096	Oliver Joseph Sherbourne.....	\$500.00
2097	James William Sinclair.....	\$800.00
2098	Thomas William Spalding.....	\$600.00
2099	Donald Sutherland.....	\$500.00
2100	Joseph Smith.....	Disallowed
2101	Thomas Henry Sheehan.....	Disallowed
2102	Roy Stamps.....	Disallowed
2103	Alfred Gordon Saunders.....	Disallowed
2104	Harry Lewis Scott Stone.....	\$500.00
2105	Melville Trueman.....	Disallowed
2106	Frank William Tilley.....	\$700.00
2107	Robert Francis Tunstead.....	Disallowed
2108	John Frederick Wilkins.....	\$500.00
2109	Ernest Weymouth.....	Disallowed

SCHEDULE OF DECISIONS—*Continued.*

Case No.	Name of Claimant	Decision
2110	William Stephen Whyte.....	Disallowed
2112	Percy Francis Whale.....	\$500.00
2113	Thomas Warner.....	Disallowed
2114	Frederick Theodore Webster.....	Disallowed
2115	Charles Jackson Wolstenholm.....	Disallowed
2116	Harry Windsor.....	\$500.00
2117	Samuel Wallwork.....	Disallowed
2118	James Wilton.....	Disallowed
2119	Frank Woodcock (dec'd).....	Disallowed
2120	George West.....	\$500.00
2121	Alexander William Yetman.....	Disallowed
2122	David John Evans.....	Disallowed
2123	Robert Henry Rock.....	Disallowed
2124	Henry Bertram Arnold.....	Disallowed
2125	Charles Edwin C. Longstaff.....	\$500.00
2126	Wilfred Hand.....	Disallowed
2127	Thomas Langston.....	\$500.00
2129	James McCabe.....	Disallowed
2130	Alexander William MacLeod.....	\$500.00
2131	William Sullivan.....	Disallowed
2132	Gay S. Johnson.....	Disallowed
2133	Minard Gerald Hill.....	\$1,200.00
2134	Percy Winfield Ogilvy.....	\$1,200.00
2135	James Noon.....	Disallowed
2136	A. G. Woodason.....	Disallowed
2137	Durban Kirby Waite.....	\$500.00
2138	Harry Stewart Lewis.....	Disallowed
2139	George Pound.....	\$500.00
2140	Samuel Charles McConaghy, M.M.....	Disallowed
2142	John Gourlay.....	Disallowed
2144	Henry William Page.....	Disallowed
2145	John Thomas Fellows.....	Disallowed
2147	Rolfe Borrow Welch.....	Disallowed
2148	George Henry Wallace.....	Disallowed
2149	James Thomas Cox.....	\$800.00
2150	Alfred Thompson.....	Disallowed
2160	Albert Thomas Mills.....	Disallowed
2161	Wilfred Morrison.....	Disallowed
2162	George Draper.....	\$700.00
2163	Robert Brown.....	Disallowed
2164	Harvey Wallace.....	Disallowed
2165	Peter Nelson.....	Disallowed
2166	Arthur Donovan Corker.....	\$1,000.00
2167	John Lomax.....	Disallowed
2168	Mrs. F. Croucher.....	Disallowed
2169	Dominic Dolga.....	Disallowed
2170	Lyal Rea.....	Disallowed
2171	Carman Livie Jackson.....	Disallowed
2173	John McKinney.....	\$500.00
2176	George Harvey.....	Disallowed
2177	Captain Heskett St. John Biggs.....	Disallowed
2178	George Aithic.....	Disallowed
2179	Robert Simons.....	\$800.00
2181	Robert Hammon (dec'd).....	Disallowed
2182	Harry Mellowdew Mitton.....	\$800.00
2184	Cecil Hurst Bullock.....	Disallowed
2185	Harry H. Howland.....	\$500.00
2186	Dudley Charles Durrant.....	\$800.00
2187	Campbell John Bell.....	\$700.00
2188	Captain Victor Alexander MacLean.....	\$1,000.00
2189	William J. H. Woodward.....	Disallowed
2190	Archibald J. V. Wallace.....	\$500.00
2191	Walter Sugden.....	\$600.00
2192	Charles Ernest Davies.....	\$500.00
2193	Walker Kilby.....	Disallowed
2194	Andrew Ross Paton.....	\$500.00
2195	F. W. Breedon.....	Disallowed
2196	Joseph Fortunat Villeneuve.....	Disallowed
2197	Arthur Durocher.....	\$500.00
2198	Charles Weston Sutherland.....	Disallowed
2199	Percy Albert Goseltine.....	Disallowed
2200	Thomas E. Hogarth.....	Disallowed
2201	Collingwood Schreiber.....	\$500.00

SCHEDULE OF DECISIONS—*Concluded.*

Case No.	Name of Claimant	Decision
2202	John Montague Carnsew.....	\$500.00
2203	Alexander M. May.....	\$500.00
2204	James Hurst.....	\$500.00
2205	Albert Frederick London.....	\$500.00
2206	John O'Brien.....	Disallowed
2207	Gilbert George Sawyer.....	Disallowed
2209	Herbert Bradshaw.....	Disallowed
2210	Alfred Allan Kingscott.....	Disallowed
2211	Herbert Lillie.....	Disallowed
2212	Carl John McCarthy.....	Disallowed
2213	Thomas Francis Meyers.....	Disallowed
2214	John Albert McIndoo.....	\$800.00
2215	Stewart Nethercott.....	Disallowed
2216	Robert John O'Neill.....	Disallowed
2217	Charles Taylor.....	Disallowed
2218	Peter Simpson Thornton.....	\$800.00
2219	Joseph McLean.....	\$500.00
2220	Sidney Meakin.....	Disallowed
2222	Edward Gyde.....	Disallowed
2223	Harold Lawson Tyack.....	Disallowed
2224	William John Long.....	\$500.00
2225	James Gibson.....	Disallowed
2226	Thomas W. Willis.....	Disallowed
2227	Wallace Robert Downing.....	Disallowed
2228	John Gordon Leonard.....	Disallowed
2234	Vernon Albert Henry.....	Disallowed
2238	Walter Hays.....	Disallowed
2239	Arthur C. Cleverley.....	\$500.00
2240	William McClary Reilly.....	Disallowed
2241	William George Singer.....	Disallowed
2242	Hazelton Clifford Moore.....	\$500.00
2243	Harold E. M. Bennett.....	Disallowed
2246	Thomas Brama Diplock.....	Disallowed
2247	Fred Gordon Coburn.....	Disallowed
2248	John Edwin Aldous.....	\$700.00
2250	Lieut. Robert C. Pitman.....	Disallowed
2251	John Charles Hines.....	Disallowed
2252	William Murray Miller.....	Disallowed
2253	Lieut. Arthur Clarence Lee.....	Disallowed
2255	Percy Sedore.....	\$1,000.00
2256	Nathan Rice.....	Disallowed
2257	Captain Darold Watson Davis.....	Disallowed
2258	Edmund John Hicks.....	\$500.00
2259	Charles Sheridan Cooke.....	Disallowed
2260	Thomas Smith.....	\$1,000.00
2261	John Harper.....	Disallowed
2262	Havelock Harford.....	Disallowed
2263	Thomas Henderson Mitchell.....	Disallowed
2265	Alexander Berry.....	\$500.00
2266	Robert Gray.....	Disallowed
2267	Thomas Atkinson.....	\$700.00
2286	Gordon Pirrie Fiddes.....	Disallowed
2293	Samuel William Rhodes.....	Disallowed
2319	Walter Scott.....	Disallowed
2320	Anthony F. Plummer.....	Disallowed

CASE 1362—LOUIS VICTOR LEFEBVRE

The claimant was a Private in the 13th Battalion—Regimental number 24849. He enlisted September 23, 1914, at the age of 26 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound in the left leg and somewhat gassed. He was repatriated to England January 6, 1919. He is not in receipt of pension. He is unmarried. Prior to enlistment, he was working in his father's office at a salary of \$60 per month, and since his discharge has been employed as a bush clerk with different pulp and paper concerns at \$80 per month and board, working about eight months per year.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of nervous trouble and indigestion (gastric ulcer) due to hard labour and insufficient food while held prisoner of war.

This case, as its docket number will indicate, was filed before the previous Commissioner. It was not dealt with for the reason that claimant did not appear to substantiate his claim. He appeared before the present Commission at Montreal.

An analysis of the evidence reveals:—

After capture, claimant was taken to Roulers where he received some medical attention for his wounds. He was removed to Paderborn in Westphalia and thence to Uchtermon in Hanover. His complaint is that he was overworked and underfed, and that his health has been permanently affected thereby. He does not complain of any particular acts of brutality whilst a prisoner and concludes his testimony with the statement that his present inability to earn a living results from his weakened state of health due to lack of proper food.

The medical evidence is very scant, consisting merely of the certificate of Dr. J. A. Corcoran (since deceased) dated December 22, 1921. Without detailing claimant's ailments, Dr. Corcoran attributes his condition as largely due to "privation and starvation while a prisoner in Germany". The medical history sheets bear the following notation "man still feels some weakness following his period of internment in Germany. He is still slightly depressed; digestion is somewhat torpid but on return to more congenial conditions he shall be A1."

In this state of the record I am unable to reach the conclusion that claimant has suffered a disability due to maltreatment at the hands of the enemy. His troubles are nutritional in origin and must in my view be ascribed to general conditions prevailing in Germany. The case may, or may not, be one for consideration by the Board of Pension Commissioners. As far as this Commission is concerned, the claim must be disallowed for lack of proof.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1645—JOHN W. R. MENEAR

The claimant was a Private in the 7th Battalion,—Regimental No. 16925. He enlisted in August 1914 at the age of 40 years. He was taken prisoner April 24, 1915, during the gas attack at St. Julien, unwounded but suffering from gas. He was released December 26, 1918, and repatriated to England, January 2, 1919. He is in receipt of 30 per cent disability pension, based on neuritis and eczema, amounting to \$22.50 per month. He is married and has a family.

Prior to enlistment, from the year 1906 to 1914, he was employed as a fireman on various steamships sailing from Vancouver, at a wage of \$55 per month and board, and since his discharge he has been unable to do any steady work, due to his disabilities, and his earnings have only averaged \$12 per month.

He alleges that while held prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the nature of the work he was called upon to do, complains of beatings with rifle butts and whips, exposure, starvation and general abuse.

An analysis of the evidence reveals:—

Claimant is a veteran of the South African War. Taken to Giessen camp, he remained there two years. He was compelled during this entire period to do work of a most revolting character, in charge of the latrines, without relief or interruption. He was hit with rifle butts on several occasions for refusing to do this work, but was compelled to resume it. He does not appear to have sustained any injury from these blows, but complains that his eyesight has been indirectly affected. He does complain that the work he was compelled to do brought on eczema, from which he still suffers. Apart from a blow from a whip across the shoulders at a later camp, claimant has no other particular complaint of maltreatment.

The medical record indicates that claimant suffers from eczema, neuritis and dermatitis, with some impairment to his sight and hearing. His percentage of disability is stated at 90%. Dr. D. W. Gray, Pension Medical Examiner, Vancouver, in a letter, attributes claimant's eczema and neuritis to the conditions under which he lived and the treatment he received while held a prisoner. It is quite evident that claimant is now unable to work.

I do not know that it is possible directly to attribute claimant's present condition to his treatment whilst a prisoner. I do consider, however, that the deliberate and forcible employment of claimant, without relief, upon so filthy and degrading labour may be classed as maltreatment, and that a part, at least, of his present disability may be traced to this origin. I would accordingly, recommend payment to claimant of \$600.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1677—ALEXANDER B. CLARKE

The claimant was a Private in the 10th Battalion,—Regimental No. 20452. He enlisted in August, 1914, at the age of 22 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from multiple gunshot wounds in the shoulder and both legs. He was repatriated to England August 8, 1916. He is in receipt of a 60 per cent disability pension, amounting to about \$92 a month for himself and family, based on the amputation of his right leg and arthritis. He is married and has four children. Prior to enlistment, he was employed as a clerk with the Dominion Government, and after his discharge he continued in the employ of the Government, until he was let out due to the break up in the Department of the Interior.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that while being detained as a prisoner in Germany for nine months, his wounded leg did not receive adequate treatment, with the result that blood poisoning set in and the leg was amputated without his consent in May, 1916. It was re-amputated on August 1, 1916.

An analysis of the evidence reveals:—

Claimant confines his complaint to two grounds; first, that lack of proper medical attention in German hospitals caused infection to set in, with the result that his leg was amputated; and second, that the leg was amputated without his consent. He complains of no particular acts of brutality, but contends that had he received proper medical attention he would not have lost his leg. He declares that at Senne-lager, in hospital, blood poisoning set in, and that in opening the wound to drain it, the surgeon removed the leg below the knee without claimant's knowledge. It is only necessary to quote from claimant's statement upon repatriation, to show that his treatment in hospital cannot be regarded as "maltreatment". He says "I had in all five operations (as the ankle was so badly damaged, I thought there was little chance of saving it, but evidently the doctors thought otherwise) and always under anaesthetic. However, as I contracted blood poisoning at Senne-lager, where I was sent later, it was found necessary to amputate the leg. I had never, in the circumstances, any reason for complaint as regards the treatment of the doctors and nurses, all nationalities, so far as one could see, being treated the same."

It is unnecessary to proceed further with the case. Claimant has not shown maltreatment whilst a prisoner in Germany—quite the reverse in fact. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 9, 1931.

CASE 1697—WILLIAM F. RADENOC

The claimant was a Private in the 28th Battalion, Regimental No. 73761. He enlisted in October, 1914, at the age of 25 years. He was taken prisoner June 6, 1916, at Hooge. In his Declaration he states that when captured he was wounded, though the military records state that he was not. He was repatriated in England December 26, 1918. He is not in receipt of pension. Since his return to Canada he has been more or less dependent upon his sister and brother-in-law. Such employment as he has been able to obtain has been intermittent, due to his health, and only averages from 3 to 4 months per annum. Prior to enlistment he was employed as a harness maker and took a course in vulcanizing after the war, for which his father paid, but was unable to carry on. He does not state his income prior to enlistment.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. His statement of claim and brief prepared by his solicitors is very complete and shows that he was beaten repeatedly, stabbed through the arm with a bayonet, courtmartialled, served solitary confinement and starved. Affidavits as to his condition are made by his sister and brother-in-law. His medical history files, upon discharge, shows no disability but indicate scars on the head and limbs.

The record in this case is particularly voluminous and the facts brought to light are of a most distressing character. Claimant declares that he was wounded when captured, and after some hospitalization was taken to Stendal camp, where he remained for the duration of his captivity. The statement of fact, contained in claim as filed, has been substantially proven. Briefly, the abuse in this case, as stated by counsel for claimant, consists in being beaten with a rifle and stabbed with a bayonet. On the first occasion, in April, 1917, claimant was sent to work on a farm. Following an altercation with a German officer, apparently home on leave, he was struck and knocked down, clubbed over the head

and back with rifles. He was admitted to hospital, where he remained for several months. For an attempted escape, he received 14 days' solitary confinement. In the fall of 1917, claimant was sent to a sugar factory at Walmirstedt, to work. He was apparently suspect by the guards because of the incident with the German officer. There is some confusion as to precisely what occurred at the sugar factory. At all events it is clear that claimant, in defending himself from an assault from a German sentry, closed with his assailant, who thereupon drew his bayonet and ran claimant through the arm. The main facts of this incident are borne out by copy and translation of German court martial which indicates insubordination on the part of the claimant and reasonable chastisement by the German guard. It is beyond question that the means adopted by the German guard to chastise claimant and quell the so-called mutiny, went beyond all reasonable bounds. It was certainly unnecessary to wound claimant; he should and could have been arrested, if the facts are as stated in the record of the court martial. As a result of this experience, claimant was left in a deplorable condition. There is an abundance of evidence to this effect furnished by the affidavits of fellow prisoners, and even by a French prisoner who was present at the time, and underwent, with claimant, trial by the German Court Martial, above referred to. Claimant, with this French prisoner, was condemned to 60 days' solitary confinement, which he served, under conditions which have been declared by witnesses to be beyond description. Claimant from this time forward was quite unable to work. He spent some weeks in hospital, and, when discharged, was in such a weakened condition that he could not attend to himself, but was looked after by his comrades as best they could. It is unnecessary to detail the various statements of witnesses who have spoken of the treatment accorded to claimant. It will be sufficient to say that, whatever may have been his attitude to his captors, he received punishment far in excess of his deserts.

The medical record indicates that claimant suffers from general nervous debility, headaches, insomnia, pain and numbness in left forearm; that he tires easily, and exhibits loss of mental acuity. His percentage of disability is stated (in certificate) at from 20 per cent to 30 per cent, but the detailed statements of the physicians who have filed statements would indicate it to be much higher. Dr. Pelle has furnished a very detailed summary of plaintiff's condition and placed the disability at from 80 per cent to 90 per cent, the main trouble being traumatic neurasthenia. Claimant's condition is becoming worse and there seems little hope of any improvement. He is dependent upon his relatives and has been unable to work or to hold any employment due to his nervous condition. These facts are clearly borne out by affidavits filed of record by employers and other persons familiar with the efforts made by claimant to support himself.

The record clearly establishes, in my opinion, that as a result of the treatment received by claimant his health has been seriously and permanently impaired. I have no hesitation whatever in finding that claimant was subjected to maltreatment at the hands of the enemy and is entitled to an award for the resultant disability. With the evidence made before this Commission it would seem to me that claimant should also submit his case to the Board of Pension Commissioners. The question of assessing the damage to claimant is difficult, but after very careful consideration, I consider, and it is my recommendation, that claimant receive a sum of \$1,500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 1749—GEORGE ROYSTON

The claimant was a Corporal in the Princess Patricia Canadian Light Infantry, Regimental No. 51406. He enlisted November 17, 1914, at the age of 39 years. He was taken prisoner May 8, 1915, near Ypres, suffering from gunshot wounds in the head, right shoulder and right arm. He was released to Switzerland in June, 1918, and repatriated to England March 25, 1918. He is in receipt of an 80 per cent disability pension, amounting to about \$75.00 per month, based on the loss of his left eye and disfigurement, neurasthenia, and gunshot wound in the right arm. Prior to enlistment claimant was a metallurgist, and since his discharge has been under medical care and subsists entirely on his pension.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of his treatment, while wounded, in the German dressing stations and hospitals.

An analysis of the evidence reveals:—

Claimant's mental condition is such that he was unable to appear in person before the Commission. He was represented by Dr. A. P. Proctor, Chief Medical Officer of the Department of Pensions and National Health, Vancouver, who presented a written statement prepared by claimant. Dr. Proctor was able to state from his knowledge of claimant, that such statement was substantially what the declarant would state, under oath, were he competent to testify. The claim is based upon cruel and harsh treatment in German hospitals, with intense fear induced by threats of what would be done to him, which has resulted in marked mental instability and confusion. While declaring that the chief surgeon who attended him was fair, claimant complains of his assistant who so terrified him by his threats and brutality, that he was in fear of his life. At the punishment camp, Grossenweidermoor, claimant being unable to do the punishment marches imposed upon prisoners was compelled to stand, which brought on great physical weakness.

The medical record indicates that claimant suffers from mental changes. His percentage of disability is stated at 100 per cent. Dr. Proctor emphasizes the condition of mental instability of claimant and declares that he has every reason to believe the story of cruelty told by claimant. It is his opinion that claimant's mental condition could well have resulted from the treatment received. In addition to this evidence, claimant's medical history files are quite complete. I quote from report of Dr. D. A. Clark as follows:—

In my opinion patient is suffering from a marked degree of Neurasthenia which is being maintained by his unstable emotions and his mental-preoccupation regarding his disabilities into which there is injected certain sexual complexes. He was a prisoner in Germany for near upon three years, and there were certain developments in connection with that which seem to have produced in him some disorder of his personality.

In these circumstances I consider that claimant has made out a case of maltreatment while a prisoner of war with consequent disability. Although in receipt of a pension for his condition, I do not regard claimant as compensated for the maltreatment to which he was subjected. He is quite incapable of carrying on his profession of metallurgist. Viewing the case as a whole, I would recommend payment to claimant of \$1,500.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner

OTTAWA, December 1, 1931.

CASE 1752—ALFRED TODD

The claimant was a Private in the 7th Battalion,—Regimental No. 16369. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, at Ypres, unwounded, but slightly gassed. He was repatriated to England on November 29, 1918. He is not in receipt of pension, and, up to the date of the hearing of his claim, had not made application therefor. He was unmarried at the time of enlistment. Prior to enlistment, he was employed as an electro-plater, and is now employed as an upholsterer. There is no evidence as to his earnings in either occupation.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He alleges that he was struck in the stomach with a rifle butt, causing permanent injury, that he was threatened with shooting, was court-martialled without reason and given two years imprisonment. He also claims the sum of \$500.00 for loss of parcels of food, clothing, and tobacco, which he alleges were withheld from him by the enemy.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp and then sent to the Geisweid Iron Works, where, for refusing to work upon munitions, he was beaten and in particular hit in the stomach with the butt of a rifle, as a result of which blow he complains of injury. He was placed in solitary confinement, released, taken back to Giessen and threatened with a firing squad for refusing to work. Confined for 28 days, claimant with 5 others, was eventually court-martialled and sentenced to two years imprisonment, apparently for mutiny. He served 21 months of this term at Butsbach and the remainder at Cologne. Part of this term was spent in prison, with occasional periods in cells and part in barracks at Cologne.

There is no medical certificate of record, nor did claimant bring forward any medical evidence at the hearing. He complains that he suffers from headaches, nervousness, and a lump at the point in his stomach where he was hit. He considers this is a rupture. The medical report issued upon discharge refers only to "some fullness in the thyroid region but no symptoms of or observed."

My attention has been directed to the case of Frederick Whittaker (No. 1363), who was a fellow prisoner with claimant, and who received an award from the previous Commissioner of \$2,500. This serves as corroboration of claimant's evidence, but does not establish any present disability in claimant resulting from maltreatment. I can only deal with the case as it has been submitted to me and I find that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. The medical evidence is entirely inadequate. The claim for loss of food parcels, tobacco, etc., is not substantiated and is without merit, in any event. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 1758—ARTHUR H. HARLAND

The claimant was a Private in the Third Battalion, Regimental number 9681. He enlisted September 23, 1914, at the age of 38 years. He was taken prisoner April 24, 1915, suffering from gunshot wound in the left upper arm and lung, a bullet wound in the right forearm and gassed. He was repatriated to Holland March 24, 1918, and then to England in October, 1918. He is in

receipt of a disability pension of 65 per cent based on bronchitis and emphysema, arteriosclerosis, deformed foot, lumbago and lumbar arthritis. He receives about \$65 per month as his pension. Married prior to the war, and was a moulder and carpenter. He received considerable medical treatment at Christie Street Hospital, was also employed in the Vetract shops.

An analysis of the evidence reveals:—

The claimant is an old soldier, having served in the Ashanti campaign. He was 38 years of age when he enlisted in the 3rd Battalion. At the time of his capture he was seriously wounded in the arm and lung and had been gassed. He also declares that his foot was badly injured. He was first taken to Ohrdruf and, from his medical history files, would appear to have been at Doberitz for three months, thence to Dyrotz for a few weeks and then to Cottbus where he remained till July, 1917, when he was sent to Hesse. His own statement of his experiences as a prisoner are most confused. Apart from general statements of maltreatment, he seems unable or unwilling to state specifically what particular acts of brutality he was subjected to. He refers to an incident at Ohrdruf, when he was thrown to the ground from the stretcher upon which he was being carried and an attack by the civilian population with stones and sticks. Again he refers to long periods of punishment, standing to attention in the sun and complains generally of being hit and knocked about. This punishment was apparently meted out for refusal to work.

As above pointed out, claimant suffers from a number of disabilities and the medical certificates indicate that there is little chance of any improvement. He is in receipt of a pension of 65 per cent. His medical history files show that, upon examination, there is nothing abnormal in his condition considering his age. At the time of the examination, January 11, 1918, claimant declared himself perfectly fit and had no complaints.

I am inclined to think that claimant's present condition is largely, if not wholly, due to service conditions, as to which, of course, this Commission has no jurisdiction. With great reluctance, I am compelled to find that claimant has not discharged the burden of showing that his maltreatment as a prisoner of war has resulted in any pecuniary damage to him. In these circumstances, the claim must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 1766—HORACE A. W. COLLOM

The claimant was a Private in the 7th Batalion, Regimental No. 16293. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from gunshot wounds in the left shoulder and left hip, and from gas. He was released to Switzerland in 1917, and was repatriated to England March 25, 1918. He is in receipt of a disability pension of about 30 per cent, amounting to \$39 for himself, his wife and two children, based on chronic bronchitis, sinusitis and neurasthenia. Neither the record nor the evidence appear to disclose what this man's occupation or income was either prior to enlistment or after the war. His attestation paper shows that he was a "traveller."

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. The statement of claim is quite general as to the maltreatment suffered.

An analysis of the evidence reveals:—

Taken to a dressing station claimant received some medical attention for his wounds—without an anaesthetic and was then sent on, through Cologne, to Ohrdruf and eventually to Cassel. He complains of being compelled to work at farm labour and, while so engaged, a farm house was destroyed by fire. He and other prisoners were blamed for the burning though it was impossible for them to have had anything to do with it. They were courtmartialled, and while the case was dismissed, were condemned to 28 days confinement. They were searched for tobacco and a sergeant-major struck the claimant in the face and the guards beat him with rifles and bayonets about the head until he was unconscious. His cell was cramped and he had to sleep on a plank. He contracted dropsy, was taken to the doctor and finally transferred to Switzerland. His complaint as to maltreatment is confined to the blow received from the sergeant-major, which he contends has left permanent injury.

The medical record indicates that claimant is suffering from neurasthenia, nephritis and bronchitis. His percentage of disability is stated at from 25 per cent to 30 per cent. No medical evidence was adduced before the Commission but claimant's overseas medical board report declares his condition as follows: "Evidence of wounds in left shoulder and left thigh. Has had persistent albuminuria. Is very nervous and debilitated, also has a slight cough, evidence of bronchitis. Heart and lungs normal".

I cannot find in the evidence submitted such maltreatment, with resultant disability, as would entitle claimant to an award. I believe his case to be one purely for the consideration of the Board of Pension Commissioners. The blow in the face from a German sergeant-major, to which he confines his complaint, has not, as far as I can see, resulted in any disability. The claim must, accordingly, be disallowed.

ERROL M. McDUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 1802—CHRISTOPHER MACDONALD

The claimant served as a Private with the Imperial Forces—2nd Royal Scots—Regimental No. 11199. He first came to Canada to reside, August 29, 1928, and has made no claim on account of maltreatment to the British authorities. The Department of National Defence of Canada has no file for this man, and there are no military records available with which to check his testimony. He is in receipt of an Imperial pension amounting to 8 shillings per week, for gunshot wounds in the back, and states that he was held prisoner for four years and was transferred to Switzerland May 30, 1916. He states that he is married and is now employed as groundsman with a golf course in Vancouver, salary not stated. Does not state what his previous trade was.

He alleges that while held prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been forced, at the point of bayonets, to work in the stables at Senne-lager where a horse trampled on his foot causing great pain and resulting in his having a "hammer toe" on the right foot. It still pains him in wet weather. He states that he asked for medical treatment but was laughed at, and was forced to return to work with a bandaged toe. Had it been properly cared for, he says there would have been no disability.

Claimant was advised, at the hearing in Vancouver, that as an Imperial soldier, who first came to Canada in 1928, his claim was not eligible for consideration by this Commission. Upon further consideration, this view is now confirmed, for reasons expressed in my report.

May I add also that the record reveals that the injury of which claimant complains would appear to have resulted from an accident, and is not ascribable to maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 4, 1931.

CASE 1814—JAMES A. BAIRD

The claimant was an Imperial soldier who came to Canada to reside in May, 1929. He was with the First Royal Welsh Fusiliers and was wounded and taken prisoner, October 30, 1914. A German N.C.O. struck him with the butt of a rifle breaking his right shoulder. He was kicked into camp and upon complaint to the commandant, was struck down again by the guard. He received no treatment for his injury and is not in receipt of an Imperial pension. He is married and has three children. He appeared before me at Vancouver January 21, 1931, and upon hearing from him of the date of his arrival in Canada, several years after the close of the war, I advised him that he could not be considered as a Canadian and that his only recourse would be to the British authorities.

As pointed out above, I do not consider that this Commission has jurisdiction to entertain the claim. The date constitutive of jurisdiction, in civilian cases, has been fixed as January 10, 1920, date of the ratification of the Treaty of Versailles. I would propose to adopt the same principle in dealing with cases of alleged maltreatment whilst a prisoner of war. Reserving to claimant all other recourses and without deciding the case upon its merits, I must, therefore, disallow the claim in so far as this Commission is concerned.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 4, 1931.

CASE 1843—HOWARD MARSDEN BROWN

The claimant was Acting-Bombardier in the First Division Trench Mortar—Regimental number 300714. He enlisted October 4th, 1915, at the age of 22 years. He was taken prisoner June 2nd, 1916, unwounded. He was repatriated to England November 29, 1918. He was at first in receipt of a 20 per cent disability pension which was discontinued on November 1, 1921, and received \$125.00 in all. He is unmarried. Prior to enlistment, he was a salesman with Messrs. Gordon-McKay of Toronto, at a salary of \$20 per week and since his discharge has been with the Canadian Oil Company for four years, and with the Canadian Floor Machine Company for the past three years, but does not state his salary.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of heavy labour, being made to stand to attention, beatings and denial of medical attention.

An analysis of the evidence reveals,—

After capture, claimant was taken to Dulmen camp where he remained for about two months. The only complaint here is that he received no medical attention for dysentery, from which he was suffering, and that he was made to work long hours and stand to attention after work without food, when unfit. He was removed to Oberhausen camp, where he complains of rough treatment, long hours of work and poor food. He developed blood poisoning and was finally operated upon without anaesthetic. On one occasion when going to the rescue of a fellow prisoner (Clubley—Case 1847) who was being beaten by guards, he also received a severe thrashing. While at work he fell and broke his arm and complains of brutal treatment by the guards and the physician who examined it. He was sent to Friedrichsfeld camp for treatment and was sent back to work within two weeks after the arm had been broken. Claimant attributes a bronchial condition to the failure of the German authorities to give him treatment for “flu”, from which he suffered, with others, in the epidemic of 1918. He complains of being sent out to work before he had fully recovered. In statement made upon repatriation claimant does not refer to any lack of medical attention at Dulmen camp. Referring to his experiences at Oberhausen, he speaks of breaking his arm and being sent to Friedrichsfeld hospital, where the treatment was brutal. He says that he was discharged in four weeks as fit for light work. No reference is made to his treatment for blood poisoning, nor does he make any mention of alleged lack of treatment for “flu”.

The medical record upon which claimant relies is contained in his pension files, and indicates that he suffered from debility and bronchitis when discharged. He has lost weight, and complains of nervousness.

Having regard to the general observations contained in the Opinion annexed to the present report, I find that claimant, while a prisoner of war, was subjected to maltreatment resulting in damage to him for which he is entitled to a pecuniary award. While in some respects incomplete, his statement upon repatriation is consistent with his testimony before the Commission. Viewing all the circumstances, I would recommend a payment to claimant of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 1844—GEORGE HENRY PEPPER

The claimant was a Gunner in the 1st Canadian Trench Mortars, Regimental number 304389. He enlisted November 8, 1915, at the age of 19 years. He was taken prisoner June 2, 1916, at Zellibee, unwounded. He was repatriated to England November 29, 1918. He is not in receipt of a pension. He was married September, 1921, and has two children. Prior to enlistment, he was an apprentice at optical business, at a salary of \$10.00 per week, and since his discharge was employed with Litho Print Limited, for three years, at a salary from \$22.00 to \$36.00 weekly, and with the Canadian Germicide Co., on a commission basis.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having to work immediately after inoculation and vaccination, being forced to carry large pails of refuse to a farm two miles distant and spread it on the farm in the blazing sun. Was beaten on the way. Worked 12 hours daily, and was then

forced to stand at attention for two hours. Was struck over shoulders and body with a rifle by the sentry. Then worked in the boiler works at heavy work. Was beaten and was forced to work when suffering with flu and running a high temperature. Also beaten for trying to save a comrade from further suffering. He contracted nephritis due to exposure, living conditions and abuses, and has a heart condition which has impaired his earning power.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen Camp. He was beaten by the guards for responding too slowly to the signal to arise and again for upsetting a cart into a ditch. Later at Oberhausen Camp while carrying a heavy bar of iron with another prisoner, through exhaustion, they allowed it to drop. He was severely beaten and his morale badly shaken. He complains of the fear in which he lived of being beaten, a fear which was frequently realized. Claimant suffered constantly from boils for which he received no medical attention.

The medical record discloses that claimant suffers from nephritis and general debility. Dr. Jas. S. Simpson appeared before the Commission and testified that he had known and attended claimant before and after the war. He had been a strong and robust youth upon enlistment. His vitality is now seriously impaired, being anaemic and markedly depressed. His nervous condition is not likely to improve.

There is no doubt that claimant has suffered some disability as a result of his experiences in Germany, and while it is doubtful whether this can be ascribed directly to maltreatment, I am inclined to think that his condition is partly, if not wholly, due to this treatment as a prisoner of war. Viewing all the circumstances of the case and having regard to the general observations contained in the Opinion annexed to the present Report, I consider that claimant has made out a case of disability resulting from maltreatment as a prisoner of war. I would, accordingly, recommend a payment to him of the sum of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDUGALL,

Commissioner.

OTTAWA, December 1, 1931.

CASE 1845—WM. H. GLENFIELD

The claimant was a gunner in the 34th Battery, Regimental number 304253. He enlisted August 19, 1915, at the age of 20 years. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 29, 1918. He is not in receipt of a pension. He is unmarried. Prior to enlistment, he was employed as a tile setter by the T. Eaton Company and the Vokes Hardware Company at a salary of from \$12 to \$15 per week, and since his discharge has been employed as post office clerk at a salary of \$1,740 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been repeatedly beaten with the butts of rifles with resultant and permanent damage to his health.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen camp where he received a severe beating for sitting down while carrying pails from the barracks down to a farm where he was working. He complains that his back still troubles him as a result of this beating. He was sent to Oberhausen camp, where he worked 11 to 12 hours a day in the Babcock & Wilcox plant. He received two beatings here, on one occasion for failing to carry an iron girder which was too heavy for his strength. Later, just before the Armistice, he was again beaten for sitting down through

exhaustion and pains in the back while unloading iron castings. He was in bed for a week following this occurrence. His statements are corroborated by a fellow prisoner, G. H. Pepper, also a claimant (Case 1844), who was present and received similar beatings.

The medical record indicates that claimant suffers from neuritis in the left shoulder and arm. He also complains of neurasthenia, insomnia and weakness. Dr. W. G. McCormick appeared and gave testimony on behalf of claimant. He has known him since boyhood and speaks of a constant neuritis in his left arm, also a bronchial condition and nervousness. Dr. McCormick finds claimant's health impaired, and while he cannot definitely so state, attributes much of this to his experiences while a prisoner in Germany.

Claimant is not in receipt of a pension. Having regard to the decision in the case of Pepper, above referred to, and the similarity of the treatment accorded both prisoners, I think it is fair to say that claimant has suffered some, if not all, the disability claimed, as a result of maltreatment as a prisoner of war. I would, accordingly, recommend a payment to him of the sum of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 1, 1931.

CASE 1846—GORDON DOUGLAS HUNTER

The claimant was a Lieutenant in the 124th Battalion attached to the Royal Flying Corps. He enlisted November 18, 1915, at the age of 19 years. He was flying and crashed somewhere south of Valenciennes and was taken prisoner near Douai May 6, 1917, wounded in the left arm, bullet, and two bullet wounds in the back. The wound in the arm was a flesh wound. He was repatriated to England January 15, 1918. He received 70 per cent disability pension amounting to about \$80 per month for the loss of his left arm. At the present time he receives a pension of \$105.08 per month for self, wife and three children. Prior to enlistment he was a ledger-keeper with the Toronto General Trusts Corporation at a salary of \$2,600 per annum, and since his discharge he was with the Toronto General Trusts Corporation for 12 years at a salary of \$2,600 per annum and with Cadillac Motors at \$200 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical attention during the first week of his imprisonment which resulted in the amputation of his left arm.

An analysis of the evidence reveals:—

Claimant is one of the few officers who have come before the Commission. His complaint has to do with the first period of his captivity and is based upon the loss of an arm through lack of proper medical attention. When captured he was wounded in the left arm and back. He was given a field dressing immediately and taken to a hut or lean-to at the airdrome. He lay on straw until the following Friday morning (from Sunday) without any further medical attention. During this period he was closely interrogated by German officers in regard to the then new British triplanes, but refused to divulge any information. He tells an amazing story of being tortured to make him talk and even intimates that the famous German flying commander, Baron Manfred Von Richtofen, lent himself to such practices. In his own language, he says:—

“Latterly, the last day or so, a couple of chaps lost their temper and grabbed my injured arm to force me to speak”.

A little later he continues:

"Did Richtofen himself behave in this way to you?"

"Yes, he was the most crude . . ."

Gangrene developed and when efforts were finally made to dress his wounds it was impossible to save the arm. It was amputated at Fechain hospital on May 21, 1917. There is no complaint as to the treatment given him after reaching hospital, but claimant contends vigorously that had he received prompt medical attention he would not have lost his arm. As above pointed out, claimant is in receipt of a pension for the loss of his arm. There is no corroboration of his statement that the arm might have been saved, nor, of course, is there anything but his word to substantiate the charge of physical torture by German officers. In a very full statement made by claimant, upon repatriation, dated January 22, 1918, he makes no reference to any torture by German officers, his complaint being confined to want of proper dressing to his wounded arm. This case aroused very widespread comment in the Press. The German Consul General interested himself in the matter and has forwarded to the Commission a report, under instructions of his Government, which I consider should be quoted in full. It reads:

I beg to refer to the case number 1846 in the matter of Gordon D. Hunter. Upon instructions of my Government I have the honour to furnish you with the following information:—

The competent German authorities have made inquiries, and it follows therefrom that Lieutenant Hunter was not shot down by Captain Baron Manfred von Richthofen on May 6, 1917. The official records show the following facts:—

Captain Manfred von Richthofen was on leave of absence from May 1 to May 15, 1917. His squadron was commanded by his brother Lieutenant Lothar von Richthofen, who was seriously wounded on May 13, 1917. On May 6, 1917 the squadron of Richthofen did not shoot down any plane. Lieutenant Lothar von Richthofen shot down, on the 7th, 10th and 11th of May, three planes. The names of the surviving occupants of those planes are given, but Lieutenant Hunter is not included. I am also in possession of a list of all the planes which have been shot down during the month of May, 1917 by the squadron mentioned above. The name of Lieutenant Hunter is not to be found among the surviving occupants of those planes.

You will see from this official evidence that the statement of Lieutenant Hunter, that he had been shot down and taken prisoner by the von Richthofen squadron and that he was, from Sunday until Friday, with that squadron, is not correct. Through establishment of these facts, the assertions of Lieutenant Hunter with regard to the Richthofen squadron are to be considered as untrue.

The inquiries up to this date have shown that Hunter was wounded on May 6/7, 1917 near Arras-Douai /Fechain and taken prisoner, and that on May 7 he was transferred to field hospital No. 255, which was taken over on May 15 by field hospital No. 505. The inquiries as to the unit by which Hunter was taken prisoner and as to the further treatment which he has received are not yet terminated.

In this state of the record, I cannot find that claimant was subjected to maltreatment which has caused him permanent disability. It is quite possible that he would have lost his arm in any event, and for this disability, which was a service wound, he is in receipt of a pension. Even had claimant established the fact of physical torture to his wounded arm, which is not borne out by the German report above quoted, I do not consider that I would be justified in granting him an award. Any such decision would be a condemnation in vindictive damages, which is not, in my view, contemplated by the reparation provisions of the Treaty of Versailles. I am, therefore, compelled to disallow the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 1847—ROBERT EDMUND CLUBLEY

The claimant was a Lance-Corporal with the 4th C.M.R. Regimental number 113138. He enlisted January 8, 1915 at the age of 20 years. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 29, 1918. He received a pension of 5 per cent disability amounting to \$3.00 per month which was discontinued May 31, 1920. It was based on chest trouble. He was married December 15, 1919, and has three children. Prior to enlistment he was engaged in farming, income not stated, and since his discharge has engaged in trucking business for himself. Income not stated.

He alleges that while a prisoner of war he was subjected to maltreatment which resulted in pecuniary damage to him. He complains of repeated beatings at the hands of German sentries, with rifles, and blows in the face. He was kicked in the stomach leaving a permanent injury and was forced to work in coal mine for 6 months 11 or 12 hours per day.

An analysis of the evidence reveals:—

After capture claimant was taken to Dulmen camp, where he remained for two months. Apart from being made to stand to attention for several hours after the day's work, in common with the whole camp, as a punishment for mocking a German General, there is no complaint of maltreatment. He was sent to Oberhausen, where he remained for the duration of the war, except during the time of an attempted escape. Conditions at this camp were very harsh and claimant, who was a particularly strong and well built man, seems, perhaps for that reason, to have been subjected to rough usage. He complains, as do the others, of excessive work, and undernourishment, to which he ascribes his impaired gastric condition. Claimant was struck by guards and was given solitary confinement on several occasions, seemingly for trying to defend himself from the blows. On one occasion, while working upon a machine with a French prisoner, he attempted to assist this prisoner, who was being beaten by the guard. He himself then received a severe beating and was left in a semi-conscious condition. This incident is corroborated by a fellow prisoner. A fight appears to have ensued and claimant was given 14 days solitary confinement, which he served under the most unsanitary and brutal conditions. Claimant attempted to escape, was recaptured and brought back to camp. This attempt earned him another very severe beating and an additional period of solitary confinement. When released from confinement he was sent to work in a "punishment coal mine", where for failing to do as much work as his guards required, he was struck with a hammer across the nose and still bears the scar. He was also struck on the chest and carries the scar of this blow. He speaks of prisoners seeking to avoid work by self inflicted injuries.

In addition to the Medical Certificate of Dr. Mortimer Fleming, filed of record, Drs. Campbell and Fleming appeared before the Commission. Claimant is suffering from chronic bronchitis, asthma, bronchiectasis, gastro-enteritis and possibly an ulcerative condition of the stomach and duodenum, neurasthenia, rheumatism of shoulders, arms and fingers. There is also a right inguinal hernia. These conditions are declared to have resulted possibly from maltreatment, exhaustion and emotional strain with long continued malnutrition.

There appears to be no doubt that claimant's health has suffered permanent impairment, principally as to his bronchial condition, and this can be traced to the treatment he received as a prisoner. Viewing all the circumstances I would recommend a payment to claimant of \$800, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 1, 1931.

CASE 1848—ALEXANDER MacAULEY

The claimant was a Private in the 5th Canadian Mounted Rifles—Regimental number 405635. He enlisted June 24, 1915, at the age of 24 years. He was taken prisoner June 2, 1916, slightly wounded. He was repatriated to England after the armistice, 1918. He is not in receipt of a pension. He was married April 28, 1920, and has two children. Prior to enlistment, he was engaged as a gardener at a wage of \$16 per week, and since his discharge has been employed with the Parks Department of the City of Toronto, at a wage of \$32 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of insufficient food, long hours, hard labour, physical abuse and unsanitary living conditions. He developed stomach disorder and nervous condition which has continued.

An analysis of the evidence reveals:—

After capture, claimant was first taken to Dulmen camp, where he remained about two months. He was beaten for some minor infraction of rules, but sustained no permanent injury. He was removed to Oberhausen camp, where he appears to have remained for the duration of the war. At this camp conditions are declared to have been very harsh, and claimant came in for rough treatment and was made to work very long hours. A perusal of claimant's testimony creates the impression that much of his maltreatment resulted from his refusal, rightly or wrongly, to do the work assigned to him and a certain truculence of manner which provoked reprisals from his guards. His main grievance has to do with the excessive and heavy work he had to do when he was not fit. While working on boilers he collapsed, and when he refused to continue was beaten. An infected arm received brutal treatment from the surgeon, but no permanent disability resulted therefrom. He was made to stand at attention for long periods for refusing to work, and seemed to have been a man marked for punishment. His statements are, to a certain extent, corroborated by a fellow prisoner.

The medical certificate of Dr. J. A. Tuck, filed of record, was supplemented by the testimony of the physician. Claimant suffers from gastritis and chronic bronchitis, with some nervous disturbance. Dr. Tuck could not attribute his present condition wholly to his internment as a prisoner, and did not feel like fixing the percentage of disability applicable to claimant. He says there is some permanent disability which may have resulted from shock and nervous apprehension.

It is difficult in this case to trace the effect to the cause. Claimant did suffer maltreatment, but that it has resulted in permanent disability to him is not so clear. Having regard to the general observations contained in the Opinion annexed to the present report, I think claimant is entitled to the benefit of the doubt and I am inclined to find that he did suffer maltreatment involving damage to him, for which he is entitled to a pecuniary award. Viewing all the circumstances, I would recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 1849—FRANK LEWIS AUSTIN

The claimant was a Private in the 4th C.M.R.—Regimental number 113066. He enlisted April 26, 1915, at the age of 22 years. He was taken prisoner June 2, 1916, at Ypres, slightly gassed, with flesh wounds in the left leg, and was unable to walk. He was repatriated to England January 2, 1919. He is in receipt of a 20 per cent disability pension, which he states is based on bronchitis, and receives \$20 per month for wife and self. He had been married on September 24, 1927. Prior to enlistment he was a printer with Harcourts Publishing Company at a salary of \$18.50 per week, and since his discharge has held two positions at salaries of \$26 per week and \$33 per week respectively. Was out of work for one year.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He alleges that he was forced to do heavy work at digging ditches on practically no food, and suffered physical abuse because he could not turn out enough work. He was made to work in coal mines, was beaten, given solitary confinement and subjected to general abuse.

An analysis of the evidence reveals:—

Claimant has no complaint as to the medical treatment for his wounds in the two hospitals where he received attention. He is in receipt of a pension for bronchitis which he attributes to general conditions in the prison camps, particularly the salt mines where he spent one month. He was in Wittenberg, Quedlinburg and Stendal camps. He was beaten for not doing all the work required of him and in the salt mines for not understanding the orders given him. None of the beatings received appear to have left any disability. He finished his captivity in a sugar factory where he got into a melee with a guard and was severely beaten for wresting a rifle out of the hands of a sentry who had levelled it at him.

The medical record discloses that claimant's disabilities are bronchitis and emphysema. No other medical evidence has been made.

It is difficult to attribute claimant's present condition to any particular acts of maltreatment by the enemy. That his chest condition constitutes a disability is clear since he is in receipt of a pension therefor. Having regard to the general observations contained in Opinion annexed to the present report, and particularly bearing in mind that claimant was made to work in the salt mines, I consider that I am justified in finding that a part, if not all, of his disability results from maltreatment as a prisoner of war. I would, accordingly, recommend a payment to him of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 3, 1931.

CASE 1853—WILLIAM HENRY EDWARDS

The claimant was a sergeant in the 14th Battalion—Regimental number 25668. He enlisted in August, 1914, at the age of 17 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from a bullet wound in the right eye, which necessitated removal. He was repatriated to England June 15, 1918, and is in receipt of a disability pension (60 per cent) and receives \$83 per month based on the loss of the right eye, left varicocele, left inguinal hernia and bronchitis. He is married and has three children. Prior to enlistment his occupation was that of machinist and since discharge he has been employed as a letter carrier with the Post Office Department at a salary of \$85 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his eye was lost because of inadequate medical treatment; that he was beaten with rifle butt, placed in solitary confinement, kicked and subjected to harsh treatment generally.

An analysis of the evidence reveals:—

Claimant was taken to Roulers in Belgium where he received medical attention. He was then sent to Munster, where he arrived April 29, 1915. He has no complaint as to the general conditions in the hospital at this camp. In statement made upon repatriation he declares that his eye was not totally blind at this time but "became worse and on May 10 I was operated on and my eye removed". In his testimony before the Commission he would appear to infer that he did not expect them to remove the eye, but thought he was to be operated on for cataract. He declares that when he discovered that the eye had been removed he was "dumbfounded". He details his experiences in Germany and describes the various camps to which he was attached. He received beatings for attempting to escape and minor breaches of discipline but his claim is made solely on the ground of improper medical attention to his eye. He contends that it was unnecessary to remove it and that the sight could have been saved had he received proper attention. It is, of course, impossible for claimant to substantiate this statement, and in the absence of proof that the operation he underwent was wholly unnecessary and was tantamount to deliberate intention to maim him, he cannot succeed on this head of claim. The medical record indicates that claimant suffers from loss of right eye, chronic bronchitis, rheumatism and nervous trouble. His percentage of disability is stated at 60 per cent. Dr. L. Ernest Belanger, who certifies to the foregoing, did not appear before the Commission.

Mere lack of judgment on the part of the attending physician, even if that fact were proved, would not entitle claimant to recover on the ground of maltreatment. He is in receipt of full pension allowance for the loss of his eye. In these circumstances, I must find that claimant has failed to make out a case of disability resulting from maltreatment as a prisoner of war. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 1854—WILLIAM F. LICKERS (NOW WALTON FOSTER)

The claimant was a Private in the 15th Battalion—Regimental number 27220. He enlisted in August, 1914, at the age of 25 years. He was taken prisoner April 24, 1915, suffering from a slight shrapnel wound in the left leg. He was released to Holland June 13, 1918, and reached England October 4, 1918. He is in receipt of 100 per cent disability pension, based on general debility, which amounts to \$119.50 per month for self, wife and child. He was married December 30, 1918. Prior to enlistment, he was employed as shipper and receiver for the Consolidated Rubber Company, at Saskatoon, Sask., at a salary of approximately \$100 per month, and since his discharge he operates a fruit and vegetable farm at Grimsby, Ontario, with indifferent success, and declares that he is in financial straits. The claimant is a full-blooded member of the Mohawk Indian nation.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of inhuman treatment and severe beatings at the salt mines, that he was tied to posts as punishment and brutalized, made to work when unfit, until he collapsed.

An analysis of the evidence reveals:—

This is a particularly distressing case. The claimant, a full-blooded Mohawk Indian, upon enlistment was a strong powerful man. When captured, he had a minor flesh wound in the leg. He is now a physical wreck and in receipt of 100 per cent pension. He appears to have aroused the special vindictiveness of his captors by reason of his nationality. This fact is borne out by various witnesses who were present when he was brutalized, all of whom testify that he was singled out and received harsher treatment than other prisoners. Claimant was first taken to Cottingen camp where he was beaten, knocked down and kicked. He was removed to Celle-lager. At this camp for some minor breach of discipline he was daily tied to a post for four days and while in this position was hit over the face and mouth. A declaration of loyalty evidently provoked this brutality. He was even severely beaten by an officer. Although injured, he received no medical treatment and was then sent to the ill-famed Beienrode salt mines for two years. Here, he received frequent beatings while at work, and, even when in solitary confinement, was assaulted by his guards with a rubber hose for no apparent reason and left in an unconscious condition. He was compelled to work, when able to stand, for as much as 12 to 16 hours per day, in underground mines and was brutalized by the sentries by being kicked and struck with fragments of rock salt and the butts of rifles. One of these blows on the head, while in a stooping position, injured the back of his neck, which has remained stiff ever since, and, as a result of these experiences, claimant has been wholly incapacitated. He walks with difficulty and can scarcely move his head from side to side.

According to the medical testimony claimant suffers from chronic arthritis and myalgia, most marked in his right hip. Dr. J. H. McMillan, who appeared before the Commission, declares that there is no hope of any improvement and that he suffers great pain, which can only be relieved at times by the administration of narcotics. From the history of the case as told by claimant, and disclosed in his medical history files, it is proven that claimant's present condition is the direct result of his treatment whilst a prisoner of war. The numerous witnesses who appeared in support of claimant's case are unanimous in declaring that claimant was subjected to most deliberate and heartless cruelty, far in excess of that received by other prisoners.

Claimant is in receipt of a full pension, but I do not consider that this payment precludes him from recourse before this Commission. It is not pretended that the pension award can compensate a man for the ruin of his life; it is merely furnished as a means of subsistence to the victim and his family. Viewing all the circumstances of the case, and having regard to the observations contained in the Opinion annexed to the present report, I consider that claimant is entitled to an award. I would, accordingly, recommend payment to him of the sum of \$3,000.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDougall,

Commissioner.

OTTAWA, December 1, 1931.

CASE 1856—LT.-COL. JOHN E. L. STREIGHT, M.C.

The claimant was a Captain in the 3rd Battalion. He enlisted in August, 1914, at the age of 34 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from wounds in the chest and gas. He was released to Switzerland on November 28, 1917, and was repatriated to England, March 24, 1918. He is in receipt of a disability pension, which amounts to \$150.00

per year, based on sinusitis, atrophic rhinitis and pleurisy. Prior to war service the claimant was engaged in the lumbering business and was making a net profit of from \$5,000.00 to \$12,000.00 per annum. Since discharge his best annual income has been \$6,000.00, but had to give up business in 1921, and now has a small income.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been in different camps and that every means was taken to make life disagreeable. In attempting to escape to Holland he was captured, and, at the time of capture, received a blow in the face, smashing his forehead, breaking his nose and fracturing his jaw. He had to do four months solitary confinement as a reprisal for German U Boat prisoners in England. In his medical history sheet his disease is described as ozoena caused by infection plus unhygienic surroundings in prison camp in Germany.

An analysis of the evidence reveals:

Claimant is one of the few officers to come before the Commission. With other prisoners he was marched to Roulers, in Belgium, where he entrained for Bischofswerda, in Saxony. He remained at this camp until March 20, 1917, when he was ordered transferred, with other prisoners to Crefeld in Westphalia. During the journey he jumped from the train and attempted to make his way to Holland. He had reached the frontier, but was captured in endeavouring to get through the barbed wire, was badly beaten, and clubbed with rifles into unconsciousness. Taken to Crefeld, he was placed in cells. He again attempted to escape by knocking down two guards, hoping to follow a truck through to Holland and was hit with the butt of a rifle in the face in the skirmish which ensued. There is some slight confusion between the statement made by claimant upon repatriation and the account of his recapture as given in his testimony, but the two stories are substantially identical. Claimant was kept in solitary confinement but was allowed to receive medical attention from an old civilian doctor who did his best for him. Later claimant was sent to Strohen camp, which was known as a reprisal camp. Here he was again confined, being regarded as a dangerous prisoner. Conditions were very severe, the commandants seeming to take a particular delight in brutalizing British prisoners. Claimant does not, however, complain particularly of any personal maltreatment at this camp. He attributes an attack of pleurisy to the camp and unsanitary conditions prevailing in the cells at Crefeld.

The medical record indicates that claimant suffers from sinusitis, atrophic rhinitis and pleurisy, but later reports indicate marked improvement in these conditions. No medical evidence was adduced at the hearing, and such information as is available is taken from the medical history sheets on claimant's file.

It will be observed that the greater part of the brutal treatment received by claimant was directly due to his commendable attempts to escape, and his subsequent period of incarceration was undoubtedly made more difficult for him because of the very vigorous methods he adopted in attempting to escape. He was regarded as a prisoner who required to be closely confined and watched. From a careful consideration of the evidence and documents submitted, I have reached the conclusion that the maltreatment sustained by claimant is not such as will justify an award in his favour. The punishment meted out to him for his attempt to escape was severe, but a captor cannot be held to employ no violence in the recapture and subjection of a prisoner who attempts to escape. Claimant's recourse is clearly before the Board of Pension Commissioners. I must, accordingly, disallow the claim.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 1866—MAJOR CLYDE R. SCOTT

The claimant, at the time of capture, was a Lieutenant in the Second Battalion. He enlisted September 22, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, at St. Julien, and was suffering from wounds in both hips, the left knee, and from shrapnel wound in the left eye at the time of capture. He was released to Switzerland December 12, 1916, and was repatriated to England September 8, 1917. He is in receipt of an 80 per cent disability pension amounting to \$82.50 per month for himself and his wife, based on his active service wounds. Prior to enlistment he was studying to qualify as an electrical engineer and since the close of the war has been with the Department of National Defence of Canada, and is at present the Assistant Director of Records.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect of his wounds, amounting to maltreatment, and lack of competent medical attention, although such was available, for 27 days after being wounded, resulting in a permanent disability to the left knee which would not have developed had medical attention been afforded. Five days after he was wounded the knee was functioning normally but the long immobility produced by splinting the whole leg was the sole cause of its present stiffness. He claims also for personal losses caused by looting or theft of the German medical personnel of money and personal property, not military. The money stolen did not comprise any part of his pay and allowances as a soldier, but consisted of private funds. He was, moreover, wrongfully and exorbitantly charged for hospital accommodation and necessities at Bruderhaus Hospital at Paderborn in Germany, and had to expend money for treatment in Switzerland. These charges amounted to \$317.

An analysis of the evidence reveals:

Claimant's case has been very carefully prepared and presented. It is divided into three parts—1st, disability resulting from inadequate and improper medical treatment; 2nd, loss of personal property through looting while claimant was in hospital, and 3rd, illegal charges for hospital accommodation whilst a prisoner and money expended for treatment. Under the first head, claimant confines his claim to the present condition of his knee, which has become ankylosed, with serious impairment of function. He makes no complaint as to the rough treatment he received while wounded in the first days after his capture, though the recital of his experiences, for which there is corroboration, forms a serious indictment of German methods and practices. The complaint as to the knee is that without reason it was kept in splints for fourteen months, when the wound was purely superficial and non-penetrating. It may be said that such treatment was necessary because of the hip injury for which claimant was being treated, which required that the entire leg be incased in a plaster cast. I have carefully considered this aspect of the case and have sought medical advice, independently of the evidence of Colonel McCoy, C.A.M.C., presently to be referred to, and have reached the conclusion that the treatment given claimant is clearly indefensible and is not such as may be ascribed to mere lack of judgment. Having regard to the minor wound to the knee, care should have been taken to prevent the very condition which was brought about by culpable carelessness and neglect. That claimant suffers a disability as a result of this treatment which he might not otherwise have sustained is, in my opinion, established by the evidence.

Colonel McCoy examined the claimant in England upon his return from Germany in September, 1917, and found that "he was suffering from a completely ankylosed left hip, caused by a gun shot wound, that his left knee was

partially ankylosed, although X-Ray showed it to be perfectly normal. In conversation with Major Scott at this time, he related his experiences to me, particularly with regard to lack of treatment, and I recollect expressing the opinion that, had he received proper treatment at the time referred to, his left hip could have been set in a more normal position, also there was no apparent reason for the ankylosed condition of the left knee."

Colonel McCoy examined the claimant in Canada in December, 1930, and found that—

There is no improvement in the left knee since my first examination in 1917, although proper treatment was continued. Major Scott informs me that his knee was in a plaster of paris bandage, for fourteen months without being flexed. If this is the case, in my opinion, it would appear to have been flagrantly neglected and the result has been to leave the knee permanently practically ankylosed, which condition, in view of the nature of the wound, should not have been present had it received proper medical attention.

In his certificate, Colonel McCoy rates claimant's disability in his own calling at 80 per cent and in the general labour market at 100 per cent. What proportion of such disability is to be ascribed to the knee condition, Dr. McCoy cannot, of course, say, but I am of opinion, that a part of the discomfort and disability from which claimant now suffers is due to the treatment described.

As to claimant's second head of claim—loss of personal property due to looting, I must follow the principle laid down in other cases, that in the absence of corroboration as to the property lost and its value, the claim is not made out. On the third ground of claim, charges for hospital accommodation and money expended for treatment I do not propose to make any specific finding, but in the general award to be made this circumstance will not be lost sight of.

Viewing all the circumstances of the case and having regard to the medical evidence of record I am of opinion that claimant did suffer maltreatment whilst a prisoner of war within the meaning of the relevant sections of the Treaty of Versailles, which has resulted in permanent disability to him. I would recommend a payment to him of \$2,000, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, October 5, 1931.

CASE 1867—JOHN McAULEY

The claimant was a Private in the 4th C.M.R., Regimental Number 405579. He enlisted May 12, 1915, at the age of 24 years. He was taken prisoner June 2, 1916, suffering with a slight shrapnel wound. He was repatriated to England December 8, 1918. He is not in receipt of a pension. He was married September 25, 1919, and has three children. Prior to enlistment he was employed with the Toronto Structural Steel Company, earning approximately \$18.00 per week, and since his discharge has been a machine operator with Wm. Neilson, Toronto, at a wage of \$30.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of physical abuse, and lack of medical treatment to a broken finger with resultant present disability, confinement and beatings.

Analysis of the evidence reveals:

Suffering from a slight shrapnel wound, claimant was taken to Mannheim and then to Dulmen camp. His only complaint here is that he was subjected to 4

inoculations with resultant swelling and pain in the arm. He was made to work in the fields 11 to 12 hours a day with his arm in this condition. Food conditions were very bad. From Dulmen he was sent to Engers, upon construction work. He was beaten on several occasions for not doing all the work required of him, but does not attribute any disability to these beatings. For attempting to escape he received, with other prisoners, a severe mauling, being struck and knocked down with the flat of a sabre and kicked about the body and legs. Seven days solitary confinement was added to the punishment. He again attempted to escape the following year, was recaptured, and received another similar, though not so violent, beating. He complains that on one occasion, through an accident, in handling rails he broke a finger and received such poor medical attention that his finger is permanently injured and so incapacitates him that he cannot close his hand. He speaks of a chronic condition of indigestion from which he suffers severely.

The medical record indicates that claimant suffers from chronic indigestion and severed tendon middle finger right hand with inability to use distal joint. Dr. W. N. Eby who testified on behalf of claimant states it as his opinion that his digestive condition has probably resulted from his period of undernourishment and over work. The tendon of the middle finger of the right hand was apparently cut through and not brought together. He states that had the finger been properly treated, there would probably have been no disability.

The injury to the finger was an accident, and I cannot say, from the evidence before me, that it is established that he was not properly treated. It is in evidence that the finger was dressed by the camp authorities, but I do not consider that it can be said that error of judgment in the manner of treatment constitutes maltreatment. I do not find any deliberate intent to leave claimant with a disability which might have been absent had he been better attended. His remaining disability is nutritional in origin and is insufficient to entitle claimant to an award. Viewing all the circumstances, I am of opinion that the claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 9, 1931.

CASE 1868—DONALD HARRY LAIRD

The claimant was a Private in the 4th Canadian Mounted Rifles, Regimental Number 112079. He enlisted January 14, 1915, at the age of 21 years. He was taken prisoner June 2, 1916, severely wounded with shrapnel in the left leg and right hand. He was released to Switzerland in September, 1917, and reached England September 11, 1917. He is now in receipt of a 30 per cent disability pension, based on his wound, which amounts to \$39.00 per month. He was married in 1920 and has two children. Prior to enlisting he was engaged in farming and since his discharge from the army he has been endeavouring to follow the same occupation. He does not state his income.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect of his wounds, with consequent infection, inadequate attention in hospital, rough handling, confinement to dungeon for no reason, with resulting impairment to his health.

An analysis of the evidence reveals:

When captured claimant was seriously wounded with shrapnel in the left leg and right arm. He received a field dressing from our own stretcher bearer and lay on the field about 6 hours before being picked up. He was taken to Menin

Hospital but received no medical attention. He was removed by ambulance to Iseghen Hospital, in Belgium, where he lay for six days without his wounds being attended to. The wounds became infected and finally an operation was performed, under partial anaesthetic. He remained at Iseghen about 10 days when he was taken by train to Ulich. His wounds were still bleeding and no adequate accommodation was furnished en route. He then complains of roughness in the treatment given him, but was not subjected to any brutality or thrashings. After two weeks in bed and two weeks convalescence, claimant was sent to Stendal camp, walking on crutches and supplied only with wooden shoes. He was in close confinement for 6 weeks and is unable to state for what reason. Eventually he was transferred to Switzerland as medically unfit. It will be seen that the maltreatment complained of is entirely confined to lack of proper medical treatment whilst a prisoner.

The nature and extent of claimant's injuries are clearly shown in his medical record, and he is in receipt of a pension for the disability he suffers. I do not consider that claimant has established a case of deliberate maltreatment by the enemy. That his treatment was delayed may have been due to stress of work at the time, and claimant has not demonstrated that had he received earlier and better medical attention his disability would have been less great. In these circumstances, I am of opinion that the claim must fail. It is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 4, 1931.

CASE 1869—LESLIE PERKINS

The claimant was a Private in the 4th Canadian Mounted Rifles, Regimental number 109542. He enlisted in November, 1914, at the age of 19 years. He was taken prisoner June 2, 1916, and from his military records was shell-shocked at the time, although according to claimant, he only received slight shrapnel wounds. He was repatriated to England in December, 1918. He is not in receipt of a pension. He was married in November, 1921, and has three children. Prior to enlistment, he was at school and working with his father. He is now working as an order clerk with the White Fish Company, at a salary of \$30 a week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being operated upon without an anaesthetic and having to work in a boiler factory whilst his hand was still wounded, solitary confinement, beatings, etc. He is now suffering from loss of hearing as the result of working in a boiler factory.

An analysis of the evidence reveals:

Claimant declares that he was slightly wounded in the hand and legs when captured. His medical history sheet indicates that he had been shell-shocked also, but claimant denies that such was the case. He was taken to Dulmen camp. He complains generally of maltreatment here and lack of medical attention; also being compelled to work in a stone quarry when his wounded hand was still troubling him. He alleges that he was operated upon and the shrapnel removed from his hand without anaesthetic. As a result of this treatment, he still suffers disablement in this hand. Before his wound had completely healed he was sent to work in a boiler factory. He complains that he was not furnished with proper ear stops to protect his ears from the vibration and noise of this work and that, in consequence, his hearing has been permanently impaired. This is the main grievance advanced by claimant. As far as can be made out this occurred at Aplerbeck near Dortman in 1917.

He declares categorically that up till this time he had not suffered with his ears. The prisoners went on strike because of food conditions, as a punishment for which he was placed in a cellar, standing in water for 12 hours, which continued for six days till the prisoners went back to work. He declares his hand was well at this time. A further strike took place and claimant got into an altercation with an officer, who fell over a bench during the dispute. For this claimant was badly beaten and left practically unconscious, and was thrown into a small cupboard where he was confined from 2 p.m. until 4 a.m. of the following morning. He was removed to Munster camp, and, evidently as a result of his trouble with the officer, was accused of mutiny and tried by Court Martial. His account of the occurrence is very confused, but he declares that he was told he was to be shot at Cologne on December 10, 1918. This was in August or September. I have the greatest difficulty in crediting this story and claimant has been unable to bring forward any corroboration.

Although the medical certificate given by Dr. J. J. Matheson speaks only of impaired hearing as constituting claimant's disability, claimant himself complains of his nerves and stomach. Dr. Matheson, who appeared before the Commission, speaks of the impaired hearing, also a nervous irritability. He declares that claimant complained in 1919 of noises in his head. He thinks this might have been caused from working in a boiler factory but agrees that shell-shock may account for the trouble.

In view of the medical record, I do not consider that claimant has made out a case of impaired hearing due to maltreatment. This condition may have resulted from shell-shock; it may also have been aggravated by the work claimant was called upon to do. It would require much more specific and convincing evidence than that given by claimant to satisfy me that he was the victim of maltreatment which has resulted in measurable disability. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 9, 1931.

CASE 1870—ARTHUR JOHN SLOANE

The claimant was a Corporal in the Third Battalion—Regimental number 9832. He enlisted in August, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from shell concussion, superficial wounds in the head and leg. He was repatriated to England in January, 1919. He is single and in receipt of a pension of \$22.50 per month, for injury to hearing and sight. Prior to enlistment, he was a clerk with Keen's Manufacturing Company at a salary of \$14 per week, and since his discharge he has been steadily employed with different concerns, his salary ranging from \$30 to \$35 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being placed in a hut on the moors, stripped of most of his clothing and left there for five days without food as punishment for giving evidence in connection with the death of a prisoner,—also with being beaten with a bayonet until in a state of collapse, and being forced to work in a condition of weakness and exhaustion.

An analysis of the evidence reveals:—

When captured, claimant was suffering from wounds in the neck, right side, side and right side of forehead. He was also suffering from concussion, which caused injury to his eye and ear, in respect of which disabilities he is in receipt of a pension. He was first taken to Giessen camp where he requested medical attention for his eyes and ears, from which he was suffering greatly. He received

no treatment whatever and complains that this omission has greatly aggravated his condition. He was also beaten over the head with a pitch fork by a farmer, for whom he was working, and his injuries thereby further intensified. He was sent to Saltau, thence to Lichtenherst, thence to Langemoor, where he received the usual rough treatment. At the latter camp for giving evidence against a sergeant, at a court martial into the death from bayonetting of a British prisoner, he was privately removed to a hut out on the moors in March weather, badly beaten and left there for five days in the cold without proper clothing or food. He also received punishment for attempting to escape and alleges that he was "tied up by the thumbs for two hours a day." This went on for two weeks. His complaint, however, is confined to the injury to his eyes and ears through lack of medical treatment after capture.

The medical record indicates conclusively that claimant's disability from this latter source is permanent. The percentage under his pension award amounts to 30 per cent. Dr. Herbert R. Holmes, who appeared before the Commission, places the percentage of disability at 75 per cent in the general labour market and 50 per cent in claimant's calling. He attributes the origin of both troubles to concussion which, from the history of the case, arose at or previous to capture. He does say that had claimant received treatment immediately after the injury his condition "might not have been as bad." Apparently the concussion referred to preceded claimant's capture by some few days, and he received no treatment therefor within our own lines.

In these circumstances, I have reached the conclusion that claimant has failed to discharge the burden of showing that the disabilities from which he suffers have resulted from maltreatment whilst a prisoner of war. The medical evidence does not sustain a finding that claimant's impaired vision became aggravated through lack of medical attention. His case has been dealt with by the Board of Pension Commissioners, and I do not consider that he is entitled to an award from this Commission. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1871—GEORGE FRASER McALISTER

The claimant was a Corporal in the 15th Battalion—Regimental number 27510. He enlisted in August, 1914, at the age of 27 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded, but slightly gassed. He was repatriated to England October 18, 1918. He is not in receipt of pension. He was married in February, 1919, and has two children. Prior to enlistment, he was employed with the Canadian Northern Transfer Company of Toronto, at a salary of \$75 per month, and since his discharge he worked one month with his former employers at \$95 per month, but was unable to carry on and had to leave. Since then he has been head messenger with the National Trust Company, at a salary of \$2,000 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been struck on the head with a rifle, struck with a club on the right wrist, kicked and badly beaten, causing internal trouble; suffered from lack of food due to parcels being withheld as a punishment; placed in solitary confinement for assisting others to escape. As a result of the above injuries the claimant asserts that his earning power has been seriously impaired.

An analysis of the evidence reveals:—

For refusing to give information desired by his captors the claimant was hit on the head and attributes a present impairment of vision to this incident.

With others, he also received a severe beating at this time, apparently for declaring he was "Scottish" when it was ascertained he was with the Canadians. He was taken to Gottingen camp, thence to Munster, but has no complaint as to his treatment at either of these camps. Transferred to Crefeld camp, he was employed as orderly to some British officers. As a punishment for his activities in assisting to build a tunnel for the escape of prisoners, claimant was sent to Celle-lager No. 2, where he served 14 days in solitary confinement on bread and water. He escaped from a farm, at which he had been sent to work, and got an additional 14 days on recapture. Apart from the usual rough treatment, which does not appear to have affected him seriously, claimant has no complaints. After a short time at Cutersloh camp, he returned to Crefeld camp. He was beaten here, with others, as being implicated in an attempted escape by officers. Schwarmstedt camp, as a punishment was claimant's next experience. He describes this as "hell on earth." He was badly beaten here, evidently having acquired an unenviable reputation from his connection with several attempts to escape by officers. Claimant is particularly bitter in regard to the officer in charge, one Niemeyer, who went out of his way to brutalize prisoners at Holzminden. Claimant assisted in a very daring escape of officers which was successful. During a beating he received here, in attempting to protect his head, he was heavily struck on the wrist. For his exploits on this occasion he received the D.C.M., and several letters have been filed from his commanding officer, Lt.-Col. Osborn, and other officers, testifying to the high qualities of courage and devotion displayed by claimant. It is only fair to mention that following the hearings in Toronto, quite unsolicited, a letter was received from an officer who was present at the time. He discounts the story told by claimant, as it appeared in the Press, and hints that claimant was not telling the truth. In the face of the testimony of his own commanding officer, and other officers, I am convinced that claimant told a straightforward story of the part he played in the incident in question. I was impressed with the claimant himself and the manner in which his testimony was given. I should think also that the award of the D.C.M. bears testimony to claimant's meritorious service and entitles his statement to favourable consideration.

The medical record indicates that claimant has lost two-thirds sight of right eye, partial (about $\frac{1}{2}$) loss power right hand, stomach trouble. Dr. E. B. Clouse, who testified on behalf of claimant, does not consider the stomach trouble of traumatic origin, but is probably the result of nervous strain. The impairment of vision is established, and in Dr. Clouse's opinion could very well have resulted from the blow on the head spoken of by claimant. Even upon claimant's admission of some pre-war weakness in the right eye, I feel that the evidence justifies the finding that this condition became aggravated as the result of the blow on the head referred to. The weakness in the right wrist is also ascribed to a blow and diminishes almost completely complainant's working ability for manual labour. Claimant is fortunate in his present situation as chief messenger for the National Trust Company, a position which he seems capable of holding to the entire satisfaction of his employers.

Viewing all the circumstances of this case I have reached the conclusion that claimant was the victim of maltreatment while a prisoner which has resulted in disability to him, chiefly as to his vision and his right arm. Quite apart from any consideration which his case may receive at the hands of the Board of Pension Commissioners, I am of opinion that he is entitled to an award for maltreatment as a prisoner of war. I would, accordingly, recommend a payment to claimant of the sum of \$1,000.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 1872—GEORGE BARTON

The claimant was a Private in the 3rd Battalion,—Regimental Number 9872. He enlisted September 22, 1914, at the age of 35 years. He was taken prisoner April 24, 1915, unwounded but slightly gassed. He was repatriated to England December 31, 1918. He is in receipt of disability pension, based upon bronchitis, amounting to \$11.25 per month. He is unmarried. Prior to enlistment, he was a miner, ship's stoker and steel worker and his last salary prior to enlistment was \$10.00 per week, and since his discharge he has been unable to get steady work. At first he was employed as elevator man at \$20 per week, but, at the time of the hearing, he was peddling eggs and some weeks he earned as much as \$7.00.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings from guards while working in quarries and had breast-bone and ribs fractured, injury to his left wrist and one finger on the left hand stiff.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp, where for refusing to work in a nickel mine, with other prisoners, he was beaten. There is evidence that claimant was suffering from trench feet before capture. He was made to stand to attention for long periods but has no particular complaint as to Giessen camp. Under court martial, he was placed in cells for a month and beaten by the sergeant in charge. In 1917 he was sent to the stone quarries at Rubiland and was badly beaten for failing to do as much and as heavy work as required. An attempt to escape, earned claimant a very serious beating. He and a fellow prisoner were set upon by a number of guards with sticks, butts of rifles and rubber hose. His left arm was injured and he also complains that his chest was fractured or buckled by a blow, which rendered him unconscious. Claimant is in receipt of pension for his bronchial condition, and is quite frank in declaring that he does not know whether this condition resulted from his service or his treatment as a prisoner. A statement made upon repatriation corresponds closely to the story told by claimant before the Commission.

The medical record indicates that claimant suffers from neuritis, lumbago, sciatica, chronic bronchitis, haemorrhoids, varicose veins and chronic gastritis. With the exception of the bronchial condition, the Pension authorities found that the remaining disabilities were of a post war nature. Dr. Mortimer Fleming, who testified before the Commission, spoke of the chest condition and declared that there was every indication of a heavy blow which had caused permanent disability. There is a distortion of the whole of the chest wall. His percentage of disability is declared by Dr. Fleming to be about 30 per cent.

In these circumstances I consider that claimant has made out a case of present disability attributable to his treatment as a prisoner of war. His story was told with great frankness and I see no reason to doubt its accuracy. The punishment meted out to him for his attempted escape went beyond reasonable bounds and caused him permanent injury. Having regard to the general observations contained in Opinion annexed to the present report, I would, accordingly, recommend a payment to claimant of \$500 with interest thereon, at the rate of five per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1873—FREDERICK WEBB ROADHOUSE

The claimant was a Private in the 4th C.M.R.,—Regimental No. 109569. He enlisted April 7, 1915, at the age of 20 years. He was taken prisoner June 2, 1916, during the battle of Mount Sorrel. He was neither wounded nor gassed during this engagement, but had a shrapnel wound in the leg, apparently from some previous engagement. He was repatriated to England December 18, 1918. He is not in receipt of pension. He was married at the time of enlistment and has one child. Prior to enlistment he was employed as a sheet-metal worker at a wage of \$17.60 per week, and since his discharge has had various occupations, chiefly painting, at which he earns \$5 per day when working, but it is not steady, and averages about \$20 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work in the coal mines for about two years and suffered physical abuse. Made four attempts to escape, and was so severely beaten after the last attempt he was sent to the hospital for six weeks. Had to stand at attention from 17 to 18 hours daily without food or water; was thrown in a dark cell for 28 days at a time, four separate times, and suffered beatings with a hose, rifle butts and bayonets. His ear is scarred as a result of being struck with a bayonet. He suffers from a heart condition as a result of his treatment and cannot follow his trade at sheet-metal roof work as he cannot ascend ladders.

An analysis of the evidence reveals:

Claimant does not give in detail the prison camps to which he was sent. He appears to have made commendable but unsuccessful efforts to escape on four occasions and received severe thrashings upon recapture. From his military record sheets, it would appear that these attempts were made from "Kommando 47," Westphalian coal mines. On his third attempt he was treated with particular violence and became unconscious from the blows received, his ear was almost torn from his head, and he was in hospital for six weeks as a result. He suffered greatly also with his knee which had been injured on the same occasion. Four times he received solitary confinement of 28 days each. His statement as to the beating received upon his third attempt to escape is corroborated by a fellow prisoner, G. F. Gregory, who accompanied claimant on the occasion in question. Claimant complains generally of his condition, weakness and impairment to his health.

There is no medical evidence of record—not even the usual certificate certifying to claimant's condition and percentage of disability. The only reference to his condition is contained in his military discharge record which declares that the last medical board from the C.E.F. finds "all systems normal".

Were it not for the fact that claimant spent two years in the coal mines, where the conditions were notoriously harsh and brutal, I would be unable to reach a finding in his favour, because of the absence of medical evidence establishing disability. In the circumstance, however, I am resolving the doubt in claimant's favour and I would recommend a payment to him of \$700.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 1874—ERNEST WILLIAM HOPKINS

The claimant was a Private in the 15th Battalion—Regimental Number 27487. He enlisted in August, 1914, at the age of 22 years. He was taken prisoner April 24, 1915, unwounded. He is not in receipt of a pension. He had been married in 1921 and has three children. Prior to enlistment he was employed as a clerk in a shoe store at \$12.00 per week, and since his discharge from the Army he has been with the Miner Rubber Company as a salesman at a salary of \$2,000.00 per year.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having to work in the salt mines for three years and eight months from 12 to 16 hours per day, and having been beaten with rifles and wire bound hose and kicked and placed in solitary confinement, all of which resulted in ill health and impaired earning power.

An analysis of the evidence reveals:

Claimant was first taken to Gottingen camp, where he remained for about two months. He complains generally of rough treatment, but does not attribute any disability to the beatings he received. He was then sent to the salt mines, attached to Saltau camp. It is abundantly clear that prisoners received particularly harsh and brutal treatment in the salt mines (See Case 1875). The worst charges of maltreatment come from men who were there interned. The living conditions are declared to have been atrocious, the working hours prolonged beyond all reason and the food rations of the very worst. Men were beaten because of inability to work from undernourishment, and the treatment meted out in the mines, below ground, has been described as inhuman. In common with other prisoners, claimant was subjected to this treatment, in varying degrees of intensity, during the entire time of his imprisonment—three years and eight months. His worst case of maltreatment arose out of inability to work through weakness. He was struck on the head with a rock thrown at him by the German guard, and his hearing has since been permanently impaired. Other incidents of beatings are related by claimant, but the blow above referred to is the outstanding act of which he complains. He complains of gastric trouble, that he is unable to eat meat, which condition he attributes to the poor food conditions prevailing in the camp. His nervous condition is also the subject of complaint and frequently causes him to lose time in his employment. Claimant is fortunate in having found a sympathetic employer, by whom allowance is made for his condition and he loses no remuneration by reason of his absences through illness.

The medical certificate discloses that claimant suffers from bronchitis, rheumatism of left arm, neurasthenia and symptoms of a beginning of exophthalmic goitre. His percentage of disability in the general labour market is declared to be 50 per cent. The decrease in hearing in the left ear is also said to amount to 50 per cent. This documentary evidence is confirmed by the testimony of Dr. W. O. Simpson, who appeared before the Commission, and who declares, from the history of the case given him, that in his opinion the disability could result from the experiences related.

In this state of the record, I find, having regard to the general observations contained in the Opinion annexed to the present report, particularly as to conditions in the salt mines, that claimant, while a prisoner of war, was subjected to maltreatment resulting in permanent damage to him, for which he is entitled to a pecuniary award.

Viewing all the circumstances, I would recommend a payment to claimant of \$1,000.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1875—ERNEST OSBORNE CALLIGHEN

The claimant was a Private in the 15th Battalion, Regimental Number 27453. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded. He was repatriated to England on December 24, 1918. He was in receipt of a pension of 15 per cent amounting to \$12.00 per month for about a period of 5 months—now discontinued. He was married on April 6, 1921, and had three children at the time of the hearing with another expected. Prior to enlistment, he was with the T. Eaton Company, of Toronto, as an accountant, earning \$16.00 per week and since his discharge has held various positions, at salaries ranging from \$25.00 per week to \$200.00 per week, and at present is with the Cities Service Oil Company, at \$90.00 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been forced to work in the salt mines, of being beaten with rifle butts and wire bound hose, kicked and generally abused.

An analysis of the evidence reveals:

This claimant furnishes a comprehensive and vivid picture of camp life at Beienrode salt mines. It is a poignant story of savage cruelty and almost inhuman brutality practiced upon the unfortunate prisoners who spent a part or the whole of their captivity in this camp. The picture might seem overdrawn—so incredible are many of the incidents recounted—but evidence is not lacking to substantiate the story told, not only by other claimants who underwent the same treatment, but also by the official report of Lord Younger upon "Employment in Coal and Salt Mines of the British Prisoners of War in Germany," presented to Parliament in November, 1918. (See Opinion annexed to the present report) That many men were able to withstand the treatment meted out,—many did not—and come out alive is amazing and a wonderful vindication of the physical strength and moral fortitude of those who did survive.

The present claimant was one of those who emerged from this punishment camp with little to show for his period of incarceration. Apart from the loss of part of a finger, accidentally injured, and which was removed without anaesthetic, he presents a healthy and fairly robust appearance. After capture, suffering from dysentery, he was taken to Gottingen camp, where no attention was paid to his malady. He was put to work in a stone quarry and was beaten for being unable to do the work called for. In hospital for a week, he was returned to work but was soon transferred to Celle-lager, thence to Beienrode salt mines (parent camp Hameln). Put to work underground, half clad and undernourished, for as much as 12 hours a day, claimant, with others, developed salt sores or abscesses, which on occasions were treated by being lanced and filled with iodine. The treatment then consisted of being driven back to work in the mines at once. Below ground, claimant received beatings with bayonets or hammers for not doing enough work. It should be borne in mind that the prisoners were let out to civilian contractors with guards supposedly furnished by the German authorities. Evidently these guards were bribed by the contractor to force as much work out of the unfortunate prisoners as was possible. It was a profitable venture for the contractor. It is hardly necessary to detail the beatings and abuse which was heaped upon the claimant. It is almost sufficient to entitle him to an award that he establish that he was in the salt mines. This fact he has clearly proven. He spent 3 years and 8 months at Beienrode.

The medical record indicates that claimant has lost the terminal portion of the middle finger of the right hand, suffers from a marked nervous condition which reacts upon his general health. His percentage of disability is stated at 35 per cent. While claimant does not present the appearance of great nervousness or impaired health, his family physician, Dr. W. O. Simpson, who has known him from boyhood, describes him as being a nervous wreck upon his return from overseas, with twitching hands and spasms of the arms and face. He has no difficulty in attributing this condition to claimant's experiences as a prisoner of war. Questioned as to the possibility that this condition might have resulted from service conditions, Dr. Simpson points out that claimant had only been about four months at the front when captured and was in perfect physical condition upon enlistment, so that the inference is almost irresistible that his experiences as a prisoner are the direct cause of his condition.

With this opinion I agree, and, having regard to the fact that claimant spent over 3 years in the salt mines under the conditions described, I consider that he is entitled to an award for damage to his health due to maltreatment as a prisoner of war. I would, accordingly, recommend a payment to claimant of \$800.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 1876—MAJOR LEONARD SEPTIMUS MORRISON

The claimant was a Major in the 3rd Battalion. He enlisted in August, 1914, at the age of 30 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering with gunshot wounds in both legs, compound fracture of the right and a flesh wound in the left leg. He was repatriated to England June 14, 1918. He commuted his pension on September 1, 1930, receiving a lump sum of \$300.00. He is not married. Prior to enlistment he was engaged with his father in the James Morrison Brass Mfg. Co. Ltd. at a salary of \$3,000.00 per annum, and since his discharge he resumed his employment, from 1920 to 1928, in the Brass Company, earning \$3,900.00 per annum, and from 1929 to 1930, was with the Sun Life Company, on commission, estimated roughly at about \$3,000.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical attention, man-handling while being moved to different hospitals, kicked by German soldier while lying on a stretcher, exposure inducing ear trouble and the loss of several teeth through lack of treatment.

An analysis of the evidence reveals:

Claimant is one of the few officers to come before the Commission. Taken to Roulers, in Belgium, and later to Ghent, he received some medical attention. At Crefeld Camp, to which he was removed, he complains of lack of medical attention for an ear trouble which had developed from catching cold through exposure—standing in the rain for periods of an hour with inadequate clothing. He does not complain of any particular brutal treatment and confines his statement of disability to ear trouble, which he ascribes to the causes above noted. It appears that he had already suffered with his right ear in the trenches, and his left ear has been faulty since childhood.

The medical record indicates that claimant's incapacity is due to weakness of both legs and to defective hearing.

From a careful examination of the record I have reached the conclusion that claimant's disabilities must be regarded as resulting from service. I do not find any evidence supporting the plea that maltreatment contributed to claimant's present disabled condition. In those circumstances, the claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1877—ARTHUR WILLIAM CANE

The claimant was a Private in the 19th Battalion—Regimental Number 766144. He enlisted November 22, 1915, at the age of 20 years. He was taken prisoner June 21, 1918, badly wounded,—gunshot wounds in the chest, which touched the edge of the lung. He was released on November 22, 1918, and found his way back to the British lines. He was at first in receipt of a total disability pension, receiving \$60.00 per month, and is now receiving a pension of \$11.50 per month. He had been married on September 6, 1926, and has one child. Prior to enlistment he worked in the shipping room of the Dominion Paper Box Co. at a salary of \$12.00 per week, and since his discharge has been compelled to do outside work, driving a bread wagon, for which he earns an average of \$25.00 per week.

He alleges that whilst a prisoner of war he was subjected to maltreatment, which has resulted in pecuniary damage to him. He complains of lack of medical attention, arduous work, under shell fire, close to the lines, starvation, kicks and beatings.

An analysis of the evidence reveals:

The claimant was a prisoner for about five months. He was kept behind the lines and received some medical treatment for his chest wounds. He complains that his wounds were dressed only every third or fourth day and that paper bandages were used. He was three months in hospital and was then made to work on railroad and canal work, and was under shell fire from advancing British troops. His main complaints on the head of maltreatment are that there was a shortage of food and that he was compelled to sleep in the open in cold weather. He did not receive any particularly brutal treatment, except the usual rough handling while at work. As a result he contends that a chest or lung condition has developed which impairs his health. He moreover ascribes a gastric and nervous condition to his experiences whilst a prisoner. The latter is said to have resulted from being compelled to work under shell fire.

The medical record is very meagre. A certificate of Dr. G. W. Carleton, dated November 2, 1930, is produced indicating an impaired chest condition and some stomach trouble. Claimant is unable to do inside work, and is compelled to work out of doors.

Claimant has not made out a very strong case, and were it not that we have other evidence as to the inhumanity and cruelty of the treatment given prisoners who were compelled to work immediately behind the lines, I would be disposed to disallow the claim. We know, however, that the conditions of work and starvation, with frequent beatings from exasperated guards, were such that prisoners were in pitiable condition when they arrived at prison camps in Germany, following their experiences working behind the lines. In these circumstances, weak as the case is, I consider that claimant is entitled to an award for impaired health due to maltreatment. I would, accordingly, recommend a payment to him of \$500.00, with interest thereon, at the rate of 5% per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1878—ARCHIBALD PETER CAMPBELL

The claimant was a Private in the 15th Battalion—Regimental Number 27454. He enlisted in August, 1914, at the age of 32 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, slightly wounded and gassed. He was repatriated on January 1, 1919. He is not in receipt of a pension and is unmarried. Prior to enlistment, he was a sheet metal worker, at a wage of \$15.00 per week, and since his discharge has been employed with the Neville Cooper Sheet Metal Works, at a wage ranging from \$1,200 to \$1,500 per year.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having to work three and one-half years in the salt mines with very poor food, suffers from nervous condition and a kick in the testicles which worries him and preys on his mind to such an extent that he will not marry. Loses about three months work per year on account of ill-health.

An analysis of the evidence reveals:

Claimant was taken to Gottingen camp, thence to Celle-lager. He has no complaints as to these camps. At Beienrode salt mines, where he was sent and remained for 3½ years, he speaks of the conditions as very bad. In this he corroborates the statements of other claimants who were held at this camp. While working in the salt mines he was frequently beaten. In particular, and this is the basis of his complaint, he was kicked in the testicles by a guard and has sustained permanent injury. He was also struck on the head on the same occasion and rendered unconscious. He was in bed for a few days but was compelled to return to work. It is established by his employer, Edward Neville, that claimant loses considerable time from his work by reason of his condition, for which through old friendship, allowance is made. It is entirely probable that he would not be kept on by any disinterested employer.

The medical record indicates a number of ailments, including chronic bronchitis, chronic gastro-interitis, high blood pressure and recurrent bilious attacks, apart from the injury to the testicles. His percentage of disability is rated at 30% in his own occupation and at from 25% to 30% in the general labour market. His disability is said to manifest itself in a lack of ability to concentrate and advanced absent-mindedness. Dr. Mortimer Fleming, who testified on behalf of claimant, believes the testicle condition to be permanent and declares that the repercussions of this injury upon his mental condition are very marked. He worries over his condition and fears sexual incapacity, though, in fact, Dr. Fleming thinks his fears are groundless in this regard.

Evidence of maltreatment coupled with resultant disability is clear in this case. I have no hesitation in declaring that claimant is entitled to an award for maltreatment as prisoner of war. The conditions and treatment at Beienrode salt mines have been commented upon in the general opinion annexed to this report and have also been discussed in other cases relating to this camp (See Case 1875). I would, accordingly, recommend a payment to claimant of \$1,000.00 with interest thereon, at the rate of 5% per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1879—ARCHIBALD C. McBRIDE

The claimant was a Private in the Fifteenth Battalion, Regimental Number 27513. He enlisted in August, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from gas. He was repatriated to England in December, 1918. He has recently made application for a pension. He was married in June, 1921, and has one child. Prior to enlistment, he was a clerk in the T. Eaton Company, at a salary of \$14.00 per week. He is at present employed as a clerk with Hydro Electric Commission, at a salary of \$240.00 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was compelled to work in salt mines for three and one-half years with improper food and when physically unfit. He developed salt poisoning and sustained a broken nose by a blow from the fist of a German under-officer. As a result of this treatment he is suffering from neurasthenia and rheumatism, etc.

An analysis of the evidence reveals:

Claimant was slightly gassed when captured. He was taken to Gottingen camp where, for failing to salute a German under-officer, he was struck in the face and his nose broken. He still bears the marks of this blow. Claimant was then sent to Celle-lager and then had the misfortune to be transferred to the ill-famed salt mines at Beienrode, where he remained for three years and eight months, working underground and being subjected to the grossest forms of brutality and cruelty. As in the case of other prisoners in this particular camp, he suffered intensely with salt sores or boils for which he received practically no medical attention. On two occasions he was severely beaten. In the summer of 1916 he was caught trying to get into the bread-line twice. He was brought before the feldwebel, knocked down and badly kicked. On another occasion, at the time of the visit of a high German official, the quality of the soup being particularly good that day, claimant ventured to comment that, while the food was better that day, it would probably be worse on the following and succeeding days. As a result of volunteering this information he was later kicked out of bed and all the way to the mine, placed in the deepest cave in the mine—about a mile and a half from the shaft—and put at the heaviest work and kept there for two or three hours after the other prisoners had been taken up. As a result of these experience he complains generally of the condition of his nerves and his stomach.

The medical record indicates that claimant suffers from neurasthenia, weakened digestive system and haemorrhoids, and his nose shows evidence of having been broken. Dr. Mortimer Fleming, who appeared before the Commission in support of claimant, declares that neurasthenia is his main trouble. He has rheumatism and several minor disabilities. Dr. Fleming places the percentage of disability at fifty per cent and speaks also of a nervous irritability of the heart. The nerve cells are permanently damaged and no improvement can be expected.

While the evidence of permanent disability due to direct maltreatment is not strong in this case, I have come to the conclusion, as in the cases of other prisoners who had the misfortune to be sent to the salt mines, that claimant is entitled to an award (See Case 1875). Viewing all the circumstances of the case, and, having regard to the general observations contained in Opinion annexed to the present report, I would recommend payment to him of the sum of \$700.00, with interest thereon, at the rate of 5% per annum, from the 10th of January, 1920, to the date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1880—FRANK HALEY

The claimant was a Private in the 15th Battalion, Regimental Number 27488. He enlisted September 22, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, unwounded, but suffering from gas. He was repatriated to England December 31, 1918. He is not in receipt of a pension. He was married September 9, 1920, and has three children. Prior to enlistment, he earned about \$12.00 per week with the Riverdale Lumber Company of Toronto, and since his discharge has been with the Dunlop Tire Company, of Toronto, at a salary averaging from \$18.00 to \$26.00 weekly.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work long hours in the salt mines for three and a half years. Received a severe beating by four civilians armed with clubs, so that he was unable to move for three weeks. He developed salt sores all over his body one of which, in his hand, required an operation without anaesthetic. As a result of his harsh treatment he suffers from rheumatism, has stomach and heart trouble and a nervous condition.

An analysis of the evidence reveals:

Suffering from gas when captured, claimant was taken to Gottingen camp, where he remained for about a month. He was beaten here for saluting a German officer with the wrong hand. He was removed to Celle-lager for a short period and transferred to the salt mines at Beienrode for the remainder of his period of captivity. As in the case of other prisoners, sent to salt mines, the treatment he received was brutal. He was badly beaten on several occasions for no apparent reason, but admits that he showed fight when attacked, which probably gave occasion for excessive punishment. Claimant's testimony bears out the allegations of his statement of claim. While unfit to work he was compelled to labour long hours underground under conditions of dampness and lack of sanitation, resulting in rheumatism and salt sores, and was operated upon for the latter without anaesthetic.

The medical evidence indicates that claimant's most serious disability at the present time consists of rheumatism in the ankles and feet which causes him to lose from two to two and one half months per annum. Dr. Mortimer Fleming, who gave testimony in support of claimant, attributes this condition to his period of internment in the salt mines. As to claimant's other complaints, chronic bronchitis, stomach and heart trouble, these may have resulted from the gas from which he was suffering when captured. Claimant's percentage of disability is stated at 20 per cent.

Having regard to the general observations contained in the Opinion annexed to the present report relating to treatment in the salt mines, I find that claimant, while a prisoner of war, was subjected to maltreatment resulting in disability, for which he is entitled to a pecuniary award (See Case 1875.) Viewing all the circumstances I would recommend a payment to claimant of \$800.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1881—BERTRAM McCONNELL

The claimant was a Private in the Third Battalion—Regimental Number 9806. He enlisted in August, 1914, at the age of 17 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from gas and had been buried by a shell. He was repatriated to England in December, 1918. He was in receipt of a pension of \$22.00 per month which he commuted and he has applied to be reinstated. He was married in July, 1924, and has one child. Prior to enlistment, he was apprenticed to the electrical trade. Has been employed fairly steadily as an electrician but is not employed at the present time.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of suffering from the effects of solitary confinement, starvation, severe beatings and having to work for 1½ years digging trenches, standing in water to his knees, and that he was finally sent to the salt mines. He is now suffering from nervous condition and eczema.

An analysis of the evidence reveals:

Claimant was taken to Giessen camp and sent to work in a munition plant. He refused to work and was put in cells for three weeks and beaten daily. He was sent to Hakenmoor where he was compelled to work in water up to his hips and as a result he developed rheumatism from which he still suffers. From this camp he escaped, but was recaptured and received severe punishment. He was tied to a post 4 hours in the morning and 4 hours in the afternoon, for 18 days, exposed to the sun. He also served 62 days in dark cells underground at Celle-lager. He was then taken to Beienrode salt mines where he completed his period of captivity. He complains here, as do other claimants, of the harsh and brutal treatment and of being beaten because, through weakness, he was unable to do the work assigned to him. His testimony as to his treatment before reaching the salt mines is corroborated by a fellow prisoner (Hyde, No. 1924).

The medical record indicates that claimant is suffering from chronic eczema and neurasthenia. His percentage of disability is stated at 50 per cent in his own calling and at 20 per cent in the general labour market. Dr. F. S. Park, who testified on behalf of claimant, was also a prisoner of war in Germany. Dr. Park describes the condition of eczema complained of and refers to it as starvation adema, which was very prevalent with our prisoners of war. It is evidently a disease due to a lack of fat in diet. Claimant's medical history files make no mention of eczema upon discharge. The condition of neurasthenia is quite definitely present in claimant, and Dr. Park has no hesitation in attributing it to the conditions and treatment imposed upon claimant as a prisoner of war.

In these circumstances, having regard to the evidence of distinct disability and the fact that claimant served a part of his period of captivity in the ill famed Beienrode salt mines, (See Case 1875) I consider it established that he was subjected to maltreatment whilst a prisoner, which entitles him to an award. I would, accordingly, recommend payment to claimant of the sum of \$600.00 with interest thereon, at the rate of 5 per cent per annum, from January, 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1882—HILTON HOWARD HOWE

The Claimant was an Acting-Sergeant in the 4th C.M.R., Regimental Number 113307. He enlisted July 19, 1915, at the age of 17 years. He was taken prisoner June 2, 1916, suffering from a slight wound. He was released to Holland December 8, 1918, and reached England December 18, 1918. He is in receipt of 15 per cent disability pension amounting to \$17.25 per month for self, wife and child, based on sinusitis, otitis media and bronchitis. He was married October 22, 1922, and has one child. Prior to enlistment he was employed as a tool maker with Tudhope Motors of Orillia, Ontario, at a wage of \$18.00 per week and since his discharge is an Assistant-Superintendent at the Toronto Transportation Commission at a salary of \$2,100.00 per annum.

He alleges that, while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of solitary confinement, long hours at hard labour, beatings with bayonets, scabbards and gun butts, deliberate destruction of food parcels and lack of medical attention which has resulted in permanent disability.

An analysis of the evidence reveals:

Slightly wounded when captured, claimant was taken to Dulmen camp, where he was in hospital five weeks. He has no complaint of his treatment here, except as to the food. He was then sent to Essen in the Rhur Valley, where he remained till the Armistice, except during the periods of four attempted escapes. He was the only Canadian or Imperial in the camp and seems to have incurred special disfavour of the corporal in charge, one Fischer. This may possibly have been because of his attempts to escape, particularly his last attempt. He declares that he had very little trouble until he attempted to escape. As a punishment, not only did he serve several sentences in solitary confinement, but he was unmercifully beaten by Corporal Fischer and the guards when he was recaptured, and several teeth were knocked out with the butts of rifles. On another occasion he was tied to a post and beaten. His wounded leg was kicked with the result that the wound reopened. He complains that during the flu epidemic in 1918 he received no attention for suppurating ear and has sustained permanent injury. One particular feature, of which he complains bitterly, is the wanton and deliberate destruction of food parcels by the guards. The contents of the parcels were thrown together and mixed in such a way as to render them inedible and this at a time when the camp rations were entirely inadequate.

The medical record indicates that claimant is a strong, powerful man, somewhat under par. Dr. Cooper Cole appeared before the Commission on behalf of claimant. It is his opinion that the injury to claimant's ear may have resulted from lack of treatment as urged. In general, Dr. Cole considers that malnutrition possibly has reduced, to some extent, claimant's vitality, but he only places at five per cent the percentage of reduction in earning ability in the general labour market.

Viewing all the circumstances of the case, and particularly the slight disability shown by claimant, and having regard to the general observation contained in opinion annexed to the present report, I do not consider that claimant has made out a case entitling him to an award for disability resulting from maltreatment as a prisoner of war. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 9, 1931.

CASE 1883—JOHN McGIVERN

The claimant was a Private in the 3rd Battalion, Regimental Number 9472. He enlisted in August, 1914, at the age of 44 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from a gunshot wound, right buttock, slight wounds to the head and foot, and gas. He was repatriated to England in November, 1918. He was in receipt of a pension of 5 per cent which he commuted. He has an application pending for reinstatement. He is unmarried. Prior to enlistment claimant was a bricklayer and glycerine purifier, earning around \$27 per week. He is now employed as a janitor in the Civil Service, at a salary of \$1,120 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having to work long hours, ill-treatment, exposure and solitary confinement, and permanent injury as the result of a kick.

An analysis of the evidence reveals:

Claimant was taken to Celle-lager No. 3 where he was in hospital for 3 or 4 months. For refusing to work he was given 7 days close confinement. He was transferred to Cottingen camp where he remained until May, 1916. As an alleged measure of reprisal for treatment of German prisoners, claimant was sent with a party to a camp in Poland—Libau—where he was set to work building a raised road. For refusal to work he was punished by being made to stand to attention in the sun and tied up to trees. He was beaten and particularly complains of a kick in the left hip which fractured the bones and left him unconscious for several hours. He received medical attention but still suffers considerable incapacity from this hip. He was laid up with it for several months. For further refusal to work claimant was again beaten and confined, and then returned to Germany to Dulmen camp. On his statement, of the 2,000 prisoners sent to Libau, only 600 survived to return to Germany with claimant. At Dulmen claimant has no particular complaints of maltreatment, but when made to work later in coal mines he complains bitterly of the treatment. He, with others, was made to stand in front of the coke ovens for an hour at a time for failure to complete the allotted tasks. As to his condition he complains chiefly of his heart, nerves and asthma.

The medical record indicates that claimant suffers from asthma, nerves, disordered heart, poor digestion, hernia, constipation, haemorrhoids, sacral ankylosis, chronic brights, sciatica, slow mentality and poor concentration. Dr. W. R. Newman, who testified on behalf of claimant, has furnished a very full report. He emphasizes chiefly the asthmatic condition and the injured hip and back, declaring the case to be practically incurable. The former condition might have resulted from the effects of gas. The hip and back indicate a drawing together of the bones, the hip bone, the sacrum and spine, which, he declares, is clearly traumatic in origin. The healing of the fractured bones is in bad position, evidencing lack of proper treatment. Dr. Newman attributes some of claimant's disability to service conditions, but considers his treatment as a prisoner as contributing considerably thereto. The medical history files, recording an examination made on May 8, 1919, shows that claimant has no haemorrhoids, no hernia, no varicocele, and it is probable that these ailments, set up by claimant, are of post war origin. From an examination of claimant's pension files and a complete report by Dr. D. E. Robertson, confirmed by independent X-ray of the Toronto General Hospital, it appears that claimant's disabilities have not been established as of traumatic origin; the statement has been made that they are congenital. In these circumstances, I cannot agree with the medical evidence before this Commission.

In this state of the record claimant has failed to show that his present disabilities result from maltreatment whilst a prisoner of war. The claim, accordingly, fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 1884—HORACE PICKERING

The claimant was a Private in the 3rd Battalion, Regimental Number 9859. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, slightly wounded in the knee and suffering from a slight touch of gas. He was released to Holland in March, 1918, and reached England November 18 of that year. He was in receipt of a 10 per cent disability pension but commuted it in 1919. He was married in July, 1921, and has two children. Prior to enlistment, he was a clerk with the Canadian Pacific Express, at a salary of \$65 per month. He is now an agent of the same Company, receiving \$190 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been compelled to work in a stone quarry, and for refusing to work was placed in solitary confinement and compelled to sit at attention for 14 hours a day for 30 days—being subjected to kicks and abuse, and given insufficient food, which treatment necessitated two operations for mastoids and left him in a highly nervous condition.

An analysis of the evidence reveals:—

Claimant was first taken to, Roulers, in Belgium, thence to Giessen Camp, where he was punished for not working—30 days confinement in punishment barracks. He was struck with rifle butts but without permanent injury. After a short period in hospital, with kidney trouble, he was sent to work at the Iron Works. He refused to do the work assigned and was beaten by the guards. During this beating he was hit in the mouth with the butt of a rifle and several teeth were loosened. Eventually he lost three of them. For feigning illness he was placed in solitary confinement for 5 days without food. From Giessen Camp he was sent to Saltau, thence to Lichtenhorst, and later to Hestenmoor. As to the two former Camps he has no complaint. At Hestenmoor he speaks of general rough treatment and lack of medical attention for an attack of pleurisy. His next camp was Hameln. His condition was so enfeebled that he declares he had 109 boils at one time. Claimant's statement as to the loss of teeth resulting from a blow is corroborated by one of his fellow prisoners (A.C. Claverley, Case 2239).

The medical record indicates that claimant suffers from neurasthenia, bronchitis, and loss of teeth. Dr. J. H. Speers, who testified on behalf of claimant, declares that he has treated him for nervous and cardiac troubles, but is inclined to regard most of claimant's ailments as resulting from malnutrition. He speaks of a bronchial condition, which, however, he thinks would probably result from gas. Dr. Speers considers that the original pension allowance of 10 per cent was low and thinks that 25 per cent would be fairer. As to the condition of claimant's mouth, the certificate of Dr. G. S. Paul is filed, indicating the absence of 9 teeth. It became necessary to remove the remaining teeth. Claimant's medical files, under examination made in 1919, contain the notation: "looks as if he has come through very strenuous times.....former trade or occupation cannot be resumed....."

In this state of the record I have reached the conclusion that claimant was the victim of maltreatment whilst a prisoner of war, resulting in disability to him. I would regard the mouth condition as directly resulting therefrom. Viewing all the circumstances, and having regard to the general observations contained in Opinion annexed to the present Report, I would recommend a payment to claimant of \$500.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL

Commissioner.

OTTAWA, December 2, 1931.

CASE 1885—WILLIAM O. TINDALE

The claimant was a Private in the Third Battalion,—Regimental Number 9840. He enlisted in August 1914 at the age of 20 years. He was taken prisoner April 24, 1915 at the second battle of Ypres, unwounded but suffering from the effects of gas. He was repatriated to England in December 1918. He has made application for pension. He was married in May 1921 and has two children. Prior to enlistment, he was a mechanic with the Russell Motor Car Company, at a salary of \$20.00 per month. He is now working for himself, as a Customs Broker, at an average salary of \$35 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being beaten with rifles, kicked with heavy boots, solitary confinement and being forced to work when physically unfit, also permanent injury to back.

An analysis of the evidence reveals:—

Claimant was taken to Roulers in Belgium and then to Giessen camp. He was in hospital for 2 months with swollen legs, contracted in camp. Taken ill with scarlet fever he spent a short period in hospital and was then sent out to work at Oberlanstein on the Rhine. The work was too heavy in his weakened condition and he was beaten for not performing the task assigned him. He was hit on the back and still complains of soreness and stiffness as a result of this treatment. On another occasion his thumb was badly injured by a door slamming upon it, which claimant is inclined to believe was done deliberately by the civilian with whom he was working. At all events, though roughly treated, no permanent disability has appeared to result from this incident. Claimant was later sent to Bingen on the Rhine and complains that he contracted a severe cold from being compelled to work in zero weather without adequate clothing. He dates his bronchial trouble from this time. He was returned to Giessen and was put in punishment barracks for six weeks. He concluded his experiences in Germany at Hakenbush on a farm, but has no complaints as to his treatment there.

The medical record indicates that claimant suffers from marked limitation of the movement of the spine due to chronic muscular spasm, neurasthenia and chronic bronchitis. His percentage of disability is stated at 35 per cent in his own calling and at 100 per cent in the general labour market. Dr. Roy J. Spence, who testified on behalf of claimant, declares that the X-ray does not show anything in the bone and attributes claimant's condition to possible on-coming rheumatic and arthritic affection. He is inclined to think that this was not traumatic in origin but probably resulted from under-nourishment and over-strain, particularly having regard to the possible effects of scarlet fever from which claimant suffered. He does not think his condition will interfere with his present occupation as a customs broker. The bronchial condition may have resulted from the effects of gas.

Viewing all the circumstances of the case I cannot reach the conclusion that claimant's present disabilities are the result of maltreatment while a prisoner of war. He has failed to discharge the burden of establishing such a sequence of cause and effect as will entitle him to an award. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL

Commissioner.

OTTAWA, December 10, 1931.

CASE 1886—THOMAS GEORGE TUCK

The claimant was a Private in the 15th Battalion—Regimental number 27568. He enlisted in August, 1914 at the age of 24 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded but suffering from the effects of gas. He was repatriated to England in December 1918. His application for pension is now pending. He was married in 1920 and has two children. Prior to enlistment he was a labourer earning \$18.00 per week, and since his discharge he has been employed by the Toronto Transportation Company as an Inspector, and is now in receipt of a salary of \$35.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being badly beaten, being compelled to work in a metal mine for two months; being punished by having to stand to attention eight hours a day without food or water, and also solitary confinement.

An analysis of the evidence reveals:—

Claimant was taken to Giessen, and served at other camps, including Saltau, Lichtenhorst, Bohinte and on a farm. He was also sent to work in a metal mine at Holzappel near Frankfurt. He was in this mine for 4 months and his complaint as to maltreatment is confined to a blow he received from a guard who hit him with a miner's lamp on the back of the head and neck. This was for refusing to work upon what claimant regarded as munitions labour. He now carries a scar on his head indicating that the blow inflicted a severe wound. Since that time he has suffered from constant pains in the head and stiffness, which incapacitates him. Claimant also suffers from gall stones and had bronchical trouble. While his other experiences as a prisoner were rough, he has no particular complaint of maltreatment, other than periods of confinement for minor breaches of discipline, poor food and bad living conditions.

The medical record indicates that claimant suffers from injury to his head resulting in pains in head and neck, gall stones and hepatic colic. His percentage of disability is declared to be 50% in his own calling and 20% in the general labour market. Dr. Thomas Kerr, who testified on behalf of claimant, considers that the pains in head and neck constitute claimant's chief disability. The scar at the back of the head is marked and the condition observed may well have resulted from a blow as described by claimant. Dr. Kerr does not anticipate any improvement in claimant's condition.

In these circumstances I have reached the conclusion that claimant suffers some present disability from the blow on the head which he received whilst a prisoner of war, and that he is thereby entitled to an award on the ground of maltreatment. I would, accordingly, recommend a payment to claimant of \$500.00, with interest thereon, at the rate of 5% per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 2, 1931.

CASE 1887—JOHN KENNEDY

The claimant was a Private in the 3rd Battalion—Regimental number 9683. He enlisted September 22, 1914 at the age of 21 years. He was taken prisoner April 24, 1915, unwounded, but gassed. He was repatriated to England December 27, 1918. He is not in receipt of a pension. He was married March 10, 1921 and has two children. Prior to enlistment, he was employed as a silk salesman, at a salary of \$75.00 per month, and since his discharge has been employed as a book-keeper with the Toronto Transportation Commission, at a salary of \$2,000 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of physical abuse, insufficient food, insanitary living conditions and exposure resulting in impaired health.

An analysis of the evidence reveals:—

Claimant spent three weeks in hospital at Giessen and some further time in camp where he has no complaints of his treatment. At Saltau, where he was then sent, he complains only of being compelled to wear wooden clogs. He was sent to Bohinte and made to work on the canals, and for parading sick, he was beaten by the guards. From Bohinte, he was returned to Saltau and then sent to Grossenweidenmoor. Claimant complains of excessive parading, so severe that he collapsed on one occasion. For refusing to work at salt mines he was given 28 days solitary confinement on limited rations. Later while employed on a farm he was assaulted by the farmer. As far as the evidence goes claimant does not appear to have suffered any disability as a result of his treatment.

The medical record indicates that claimant is suffering from laryngitis, bronchitis and neurasthenia. Dr. Alexander Henderson, who was heard, rates his disability at about 35%. He speaks also of a right flat foot and deficient teeth.

I have been unable to reach the conclusion that claimant's present condition results from any particular acts of maltreatment at the hands of the enemy. In common with all other prisoners, he must have and did suffer from poor food conditions which, as explained in Opinion annexed to the present report, was general and perhaps unavoidable in Germany. Claimant may or may not be entitled to receive an award from the Board of Pension Commissioners. Insofar as his claim for reparations before this Commission is concerned, I am unable to grant him an award. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1888—ERIC R. SEAMAN

This claimant was a Private in the 3rd Battalion—Regimental Number 9825. He enlisted 8th August, 1914, at the age of 22 years. Claimant was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded, but slightly gassed. He was repatriated to England December 27, 1918. He is not in receipt of a pension. He is married and has two children. Prior to enlistment, he was a clerk with the T. Eaton Company, earning \$16.00 per week. He is now employed as a translator with the International Stock Food Company, Toronto, at a salary of \$35.00 per week and (apparently) occasional bonuses.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. In particular complains of being made to work in a silver-lead mine, of numerous beatings, poor food, confinement to cells and general abuse.

An analysis of the evidence reveals:

Claimant was taken first to Giessen camp where the treatment was rough but unaccompanied by any particular violence. Sent to a supposed farm, with others, it was found to be a silver-lead mine at Holtzappel. For refusing to go down the shaft, claimant was beaten and, eventually, without knowing just how, found himself down in the mine. He was beaten by a guard and for striking back was sent back to Giessen and three weeks solitary confinement. Poor food and repeated beatings severely affected claimant's mind. As a student of languages, he was made an interpreter but still seemed to arouse the antipathy of his guards, particularly upon an attempted escape from Vehnemoor. Upon recapture, claimant was badly beaten with rifle butts, scabbards, etc.

The medical record indicates that claimant suffers from neurasthenia and chronic gastro-enteritis. His percentage of disability is declared at 50 per cent in his own calling and 75 per cent in the general labour market. Dr. Mortimer Fleming, who testified on behalf of claimant, laid emphasis upon the neurasthenic condition as reducing his ability to make a living. It is to be observed that claimant had a flair for languages and had hoped to become a teacher of French. Due to his condition he has had to abandon this ambition.

Claimant is not in receipt of pension and was apparently discharged, "all systems normal". It would appear to me that claimant's ailment has been progressive and that he now suffers a real disability, which may be attributed to his experiences whilst a prisoner of war. His medical history files contain a notation of general nervousness and debility with origin France and Germany. In these circumstances, I have reached the conclusion that claimant was subjected to maltreatment, whilst a prisoner of war, which resulted in disability. I would, accordingly, recommend a payment to claimant of \$1,000.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1889—CHARLES ALEXANDER GORDON

The claimant was a Private in the 19th Battalion—Regimental Number 862958. He enlisted March 8, 1916, at the age of 24 years. He was taken prisoner May 9, 1917, suffering from gunshot wounds in the left arm and the left thigh. He was repatriated to England, January 1, 1919. He is not in receipt of pension although he has had two appeals, both rejected. He was married September 7, 1922, and has two children. Prior to enlistment, he was employed as a Postal Clerk, at a salary of from \$800 to \$900 per annum, and since his discharge, has resumed his position, with a present salary of \$1,740.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which resulted in pecuniary damage to him. He complains of lack of and improper medical treatment of his wounds, improper food, having to work in the salt mines where the conditions affected his hearing and eyesight.

An analysis of the evidence reveals:

Claimant was suffering from gunshot wounds in the left arm and thigh when captured. He remained on the field of battle for two days, before he was picked up and taken to a dressing station, where he was inoculated. Removed to

hospital, his arm was operated upon, without anaesthetic. The bone in his leg was also scraped to remove shrapnel. This was at Douai, where claimant remained a month. He was taken to Mons Hospital and underwent a further operation to his arm. An anaesthetic was used but it was not effective. He complains of rough treatment during dressings, the use of paper bandages, and infers that had he had better treatment his arm would have made a complete recovery. He was next removed to Dulmen camp where he received further harsh treatment in hospital. He complains of deliberate cruelty on the part of the surgeon in charge. Apparently he was receiving medical attention, however, because he speaks of a drain to the wound in his arm. When convalescent he was sent to Hameln camp, where he was sent to work on a farm. His arm was then "not so bad but still weak"; his hip gave him no trouble. Here he attempted to escape, was recaptured and sent to a mine at Eima. Exhibiting reluctance to go down the shaft, claimant was hit on the jaw, loosening three teeth. His complaint is that the unhealthy conditions in the mine, intense heat, dust and perspiration in the eyes has permanently impaired his vision. He received several beatings in the mine, but they left no disability that claimant can remember.

The medical record indicates that claimant suffers from chronic ophthalmitis, chronic tonsillitis, nose trouble and general debility. His percentage of incapacity is stated at from 20 per cent to 25 per cent in his own calling and at 50 per cent in the general labour market. Dr. Carlisle who certifies to the foregoing appeared before the Commission. He refers to a nervous trouble as the chief trouble, with the eye, nose and throat condition as secondary. He thinks these conditions could have resulted from the history of the case as reported to him, and attributes the impairment to claimant's health to exposure and malnutrition, but he does not consider claimant as incapacitated in the work he is doing. There is also filed a certificate of Dr. D. D. Dickson, who does not find claimant's disability as high as does Dr. Carlisle.

Having regard to the general observations contained in Opinion annexed to the present report, particularly as to the treatment accorded prisoners in the salt mines, I am of opinion that claimant has made out a case of maltreatment resulting in some disability to him. I do not think that he has been successful in showing improper medical attention, but viewing the case as a whole I consider that he is entitled to succeed. I would, accordingly, recommend a payment to claimant of \$600.00 with interest thereon, at the rate of 5 per cent, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1890—HENRY RALPH

The claimant was a Sergeant in the 15th Battalion—Regimental number 27660. He enlisted in August, 1914, at the age of 28 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded but suffering quite badly from the effects of gas. He was released to Holland March, 1918, and reached England January 15, 1919. He is not in receipt of pension. He was married at the time of enlistment and had two children and has had two since. Prior to enlistment, claimant was in the retail tobacco business in Toronto, earning an average income of \$30.00 per week, and since his discharge has been employed as messenger with a Bond firm, at a salary of \$1,300.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of brutal treatment consisting of beatings with rifles and being kicked with heavy boots,

subjected to torture, being compelled to stand at attention for hours in the hot sun, which resulted in the development of a very nervous condition, with stomach and heart trouble.

An analysis of the evidence reveals:—

Claimant stopped briefly at Roulers then was taken to Giessen camp. He received no medical attention for his condition. He speaks of maltreatment at two camps, Overlandstein and Grossenweidenmoor. At the former, for refusing to work upon munitions, he was badly beaten with rifle butts, hit in the jaw and had a bridge broken off his teeth. As a sergeant, he appears to have received treatment rougher than that accorded to the other prisoners. At the latter camp for refusing to do the required work, claimant, with others, was declared to have mutinied, and advised that they were liable to be shot. They were, in fact, lined up before a firing squad and placed in great fear of the order being carried out. As further punishment they were stood to attention, facing the sun, from 7.30 a.m. until 6 p.m. with one-half hour for lunch. Claimant complains chiefly of the condition of his stomach, as a result of these experiences, with a minor complaint as to his heart.

The medical record indicates that claimant has a gall bladder condition and suffer from an aortic systolic murmur. Dr. Jas. H. Tandy, who testified on behalf of claimant, finds some digestive disturbance probably due to the gall bladder, or an ulcerated condition, which may have resulted from "some serious error in his diet". He is unable to fix a percentage of disability, though his certificate places the figure at 30 per cent. Claimant appears to be very fit and is only incapacitated upon recurrence of the stomach condition. Dr. Tandy is of opinion that the heart condition referred to may well have resulted from the effects of gas which claimant suffered.

Claimant, who is a strong powerful man, appears to have come through his period of captivity with comparatively little disability. I do not consider that it has been established that his stomach condition is the result of maltreatment at the hands of the enemy, in the sense of the reparations provisions of the Treaty of Versailles. Having regard to the general observation contained in opinion annexed to the present report, it should be borne in mind that this Commission has no mission to award vindictive damages and unless a claimant establishes an impairment to his health attributable to maltreatment, he cannot succeed. In the present case I am of opinion that claimant has failed to discharge this burden. His claim must accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1891—HAROLD ASHLING

The claimant was a Sergeant in the 15th Battalion—Regimental number 27420. He enlisted in August 1914 at the age of 29 years. He was taken prisoner April 24, 1915, during the Second Battle of Ypres, unwounded but suffering slightly from gas. He was released to Holland in February, 1918, and reached England November 18, 1918. He is not in receipt of pension. Prior to enlistment, he was employed as a carpenter, at the then prevailing union wage of 45 cents an hour, for an eight hour day, and since his discharge has been following the same trade, at the now union rate of \$1.10 per hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, abuse and unsanitary conditions. He was struck in the back and on the head with

a stick and still carries the scar on his head. In fleeing from this attack he fell down six steps and sprained his wrist, which still functions improperly. He was obliged to work for three weeks in a canal, in water to the knees, as a punishment for refusal to volunteer for work and had to stand at attention daily for two weeks from 6 a.m. till 7 p.m. He now suffers from chest, stomach and nerve disorders.

An analysis of the evidence reveals:—

The claimant spent his period of captivity in the following camps: Göttingen, Cassel, Saltau, Langenlager, Bohinte, Muzzenburgmoor and Hameln. The ill-treatment alleged in the foregoing summary of his statement of claim is borne out by his verbal testimony, particularly in regard to the circumstances of the injury to his wrist, which constitutes a disability in his calling of carpenter. He relates the instance of having had to stand to attention and the working in water which occurred at Bohinte.

The medical record indicates that claimant suffers from neurasthenia, chronic gastro-enteritis, general weakness and limitation of movement of the right wrist. His percentage of disability is declared at 50 per cent. Dr. Mortimer Fleming, who testified on behalf claimant, emphasizes the nervous and gastric conditions, which he attributes to insufficient and improper food.

Having regard to the general observations contained in opinion annexed to the present report, I have reached the conclusion that the injury to claimant's wrist, which still continues to disable him, in part may be ascribed to maltreatment whilst a prisoner of war. His other ailments, which are general, do not, I consider come within the purview of the present enquiry. They may or may not entitle claimant to consideration from the Board of Pension Commissioners. On the whole, I would recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 1892—DANIEL DOUGLAS

The claimant was a Private in the 15th Battalion—Regimental number 28017. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, 1915, at the battle of St. Julien, suffering from gunshot wound in the right leg and was gassed. He was released January 1, 1919, and reached England the 13th of that month. He is in receipt of a 50 per cent disability pension, amounting to \$57.50 per month, based on heart trouble. It is noted that his medical history sheet discloses that he had cardiac trouble in infancy but outgrew it. He was married August 25, 1920, and has one child. Prior to enlistment, he was employed as a clerk in the Mail Order Department of the Robert Simpson Co. Limited of Toronto, at a salary of \$10 per week, and since his discharge he worked as a street car conductor in Toronto at a wage of 60c. an hour, averaging \$70 every two weeks. He was laid off on account of ill-health, and was unemployed at the time of the hearing.

He alleges that while a prisoner of war he was subjected to maltreatment which resulted in pecuniary damage to him. He complains of the usual ill-treatment, blows from fists and rifle butts, heavy labour, solitary confinement and being made to work when unfit.

An analysis of the evidence reveals:—

Claimant was wounded in the right leg and suffering from the effects of gas when captured. He declares the only medical treatment was the administra-

tion of a pill. He was taken to Saltau camp, where he complains of being kicked in the spine, and suffered from this injury for some time, but was compelled to continue working dragging heavy waggons. He was eight months at this work. Still suffering from the effects of gas he was kicked and beaten. Giessen was the next camp to which claimant was sent. Here for refusing to work upon munitions he was placed in solitary confinement for six months, and generally beaten about with rifles. He was then transferred to Frankfort-on-Main, where he was beaten about the legs with a lash till the flesh was cut, because of failure to work through exhaustion. Claimant was then sent to Stadorf in Hanover where he was cut with a bayonet, and stabbed in the side for similar refusal to work. At Slopensstead where claimant was then sent, he was beaten and his clothes torn off him by civilians and soldiers for refusing to work. He was kicked down stairs with a blow in the face from a guard and broke his arm and was compelled to go to work before the bones had mended. He declares his heart condition, of which he chiefly complains, first became evident about one year after he was in Germany. The continued hard work aggravated the condition. He has lost time from his work and is now unemployed, having to relinquish his post with the Toronto Transportation Commission through ill-health.

The medical record indicates a condition of angina pectoris and myocarditis. His percentage of disability is stated at 50 per cent in his own calling and at 75 per cent in the general labour market. His pension record would appear to establish that claimant's condition is progressively deteriorating. From 20 per cent in 1921, he was rated at 30 per cent in 1923, and at 50 per cent in 1930. Dr. Mortimer Fleming, who testified on behalf of claimant, speaks of this heart condition as of a very serious and advanced nature—which may carry him off at any moment. It is ascribed to worry, physical and emotional strain, which may very well have resulted, in part at least, from his experience while a prisoner of war. Gas may also be a contributing factor.

Claimant is undoubtedly disabled, and I have reached the conclusion from a study of the case that some, at least, of this disability may be traced to his treatment whilst a prisoner of war. Having regard to the general observations contained in the Opinion annexed to the present report, and the pension which claimant now receives, I would recommend payment to him of \$800.00 with interest thereon, at the rate of 5 per cent per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, November 30, 1931.

CASE 1893—WILLIAM LANGFORD

The claimant was a Private in the 3rd Battalion—Regimental number 9220. He enlisted in August 1914 at the age of 23 years. He was taken prisoner April 24, 1915, during the battle of St. Julien, unwounded, but suffering slightly from gas. He was repatriated to England January 13, 1919. He is not in receipt of pension. He was married September 6, 1921, and has two children. Prior to enlistment, he was employed as a street car motorman in Toronto, averaging about \$40.00 every two weeks, and since his discharge has been with the Winnipeg street railway, at 50 cents an hour, the Toronto street railway at 65 cents an hour, and recently, driving a truck, at \$20.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work approximately three years digging ditches, standing in water most of

the time. Was struck in the back with a rifle butt and had his leg broken during a cave-in while working in the quarry. He received no medical attention and the leg was set by his chums. It appears to be well now. He then had to undergo solitary confinement for 14 days, as punishment for refusal to work while unable. He then did 28 days confinement immediately after. As a result of this treatment, he states he has nervous trouble and stomach disorders, which impair his earning power.

An analysis of the evidence reveals:—

Claimant was taken to Giessen, where he received a blow from the butt of a rifle which injured him temporarily, but which left no ill effects. At a stone quarry, where claimant was sent to work, he broke his leg, as the result of a cave-in, and received no medical attention. The leg was set by his comrades and he declares no disability has resulted from this accident. For refusing to work, he was given 28 days solitary confinement, and was compelled to sit on a stool for hours at a time, with his legs wired to the stool. Claimant was then sent to Vehnemoor and Ostenholzenmoor, remaining at the latter camp for 2½ years and was compelled to work in water, laying pipe, for long hours. As a result of these experiences, claimant complains of nervous and gastric troubles which impair his working capacity.

The medical record is not very definite in this case. It indicates that claimant suffers from chronic gastro enteritis, asthma. His percentage of disability is stated at 50 per cent. Dr. Mortimer Fleming, who testified on behalf of claimant, was unable to add much to the general statement of claimant's condition. He speaks of a nervous condition and declares that the patient is under par, but admits there is no direct evidence of stomach trouble, but what there is might very well have been due to the effects of gas, from which claimant was suffering when captured.

In these circumstances, I am compelled to find that claimant has not made out a case of impairment to his health due to maltreatment whilst a prisoner of war. Such disability as may exist is, at most, ascribable to general conditions of camp life in Germany. The claim, in my opinion, if disability can be shown, is one for the consideration of the Board of Pension Commissioners. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1894—JAMES BLACK FARNELL

The claimant was a Private in the Third Battalion—Regimental number 9193. He enlisted in August 1914, at the age of 20 years. He was taken prisoner April 24, 1915, unwounded but suffering slightly from gas. He was released November 15, 1918, and repatriated to England on November 27. At first he was in receipt of a 10 per cent disability pension which he commuted in 1920 for \$400.00. It appears to be now reinstated, Class 19, based on myalgia arthritis. He was married May 24, 1920, and has two children. Prior to enlistment he was employed as a freight checker with Canada Steamship Lines Ltd. at a salary of \$60.00 per month, and since his discharge has been floor foreman for the Canadian Carbon Company, at a salary of \$190.00 per month.

He alleges that while a prisoner of war he was subjected to maltreatment, which has resulted in pecuniary damage to him. He complains of injury to his right knee and hip when a dump car was pushed against him by a German civilian, knocking him down an embankment. Also suffered bad beatings when ill, and was forced to work while medically unfit. Complains also of permanent injury to his back.

An analysis of the evidence reveals:—

Claimant was taken to Dedeseim camp, where he worked upon railway construction. While so engaged he complains that a German civilian pushed a car towards him, and in the effort to escape having his legs run over he swung to one side, falling down a three or four foot embankment. As a result his knee was damaged and he sustained injury to his back, from both of which injuries he still suffers. Claimant very frankly admits in his evidence that this incident may have been an accident, although in his sworn statement it is ascribed to deliberate intent on the part of the guard. Claimant's main complaint is that he did not receive proper medical attention for these injuries, with the result that permanent disability has remained. He speaks of beatings received when he asked for treatment. Later also he alleges beatings at Geisweid Iron Works, but apparently the gravamen of the charge against his captors is for lack of medical treatment to his injured knee and back.

The medical record indicates permanent injury to the knee and pain over the region of the right lumbar dorsal. In addition to his affidavit, Dr. D. C. Bastow appeared before the Commission but was unable to ascribe claimant's present condition to his experiences as a prisoner. He declares there is nothing outstanding in the case, that claimant could not do hard manual labour but is quite able to carry on with his then employment, which consisted of supervising as floor foreman in the plant of the Canadian Carbon Company. In the general labour market his percentage of disability is rated at from 25% to 35%.

I regard this case as one for the Board of Pension Commissioners. The injuries of which claimant complains were probably the result of an accident and have not been shown to have been caused by any particular maltreatment. The beatings alleged have left no impairment to claimant's general health. On the whole, therefore, having regard to the general observations contained in the Opinion annexed to the present report, I must disallow the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1895—J. G. BAKER

The claimant was a Corporal in the 3rd Battalion—Regimental number 9159. He enlisted September 22, 1914, at the age of 16 and was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from shrapnel wounds. He is not in receipt of pension. He was released March 19, 1918, on an exchange of non-commissioned officers. He was married in 1922 and has three children. Prior to enlistment, he was attending High School and since his discharge has been doing customs work for the Canadian General Electric, at a salary of \$195 per month, and a monthly allowance of \$30 on his car.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bronchial trouble due to exposure, stomach trouble from insufficient food, fallen arches from wearing wooden clogs and a general nervous condition. He was beaten on several occasions.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp. He complains of lack of medical treatment for his wound during four days but declares that when he was attended the treatment was good. Before he was fit to do so, he was sent to Dedeseim on canal work, where, for refusing the assigned task he was beaten and clubbed with rifles. As a non-commissioned officer, he was not compelled to work, but for

failing to volunteer to do so, he, with others, was punished by being made to wear wooden clogs parading around the prison enclosure for six and eight hours a day. To this treatment he attributes fallen arches from which he now suffers. He was beaten for sitting down to rest during one of these parades. He was badly beaten, when recaptured, after an attempt to escape. He was returned to Giessen camp and served time in solitary confinement. He was later sent to Saltau and to Bohinte, which he describes as the worst camp he was in. He was repeatedly beaten here and made to stand on parade for long hours. The parcels were denied to prisoners and he was practically starved. He complains of the condition of his nerves, a bronchial condition and flat feet, as a result of these experiences.

The medical record discloses that claimant has lost weight and in addition to the ailments above mentioned, has some kidney trouble. Dr. L. A. Pequénat, who appeared before the Commission, was very frank in declaring that a large part of claimant's disability is of post-war origin. He cannot distinguish between disabilities resulting from service and imprisonment but considers that claimant's general physical condition is impaired, possibly to the extent of 40% in the general labour market and 20% in his own work, which is clerical in nature.

Claimant was quite young when captured and there can be no question that he has suffered from under-nourishment and excessive work. I do not think that the particular acts of maltreatment to which he alludes have, in themselves, left any very great physical disability, but I do think that his general health was affected by the strain and continual fear of punishment. For the reasons stated in Opinion annexed to the present report, I find that claimant has established some disability resulting from maltreatment. Viewing all the circumstances of the case, I would accordingly, recommend payment to claimant of the sum of \$500, with interest thereon, at the rate of 5% per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1896—CLIFFORD ROSS WILKINGS

The claimant was a Private in the 15th Battalion—Regimental number 27136. He enlisted in August 1914 at the age of 19 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded but suffering from the effects of gas. He was repatriated to England in December 1918. In 1922 he was in receipt of 100 per cent disability pension for a lung condition, but at present he is receiving 25 per cent yielding \$35.00 a month for wife and family. He was married in 1921, and has three children. Prior to enlistment, he was in receipt of \$15.00 per week, working for a Contractor at Centre Island. At the present time he is a seasonal employee with the City of Toronto, earning for 8 months of the year \$32.40 a week; for the remaining 4 months he is without employment.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical attention, heavy labour, repeated blows and being sent to work in the salt mines for 3½ years. This treatment, he alleges, has resulted in ill health and impaired earning power.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen Camp, where he received a beating for drawing a mattress from stores, which, apparently he was not supposed to have. After a short time at Celle-lager, he was sent to the ill famed salt mines at

Beienrode (parent camp Hameln). In 1915 he was beaten over the head for refusing to accept pay for the work he had been doing. His hearing has never been the same as a result of this blow. He was also tied to a post exposed to the sun in the morning and again in the afternoon and sent to work at night on a 12 hour shift. This was for failing to give information as to 2 Russian prisoners who had escaped. While suffering from pneumonia, not only did he receive no medical attention, but he was driven to work. He fainted and was put in confinement and when able to move was again put to work moving iron and other heavy material. He speaks generally of the rough and brutal treatment in the salt mines, as to which there is a wealth of corroborative evidence in the evidence of other prisoners at this mine. (See Case 1875). He testifies that he spent 2 years and 8 months in the salt mines, which is not the period stated in his original claim, $3\frac{1}{2}$ years, but his presence there for a lengthy period is clearly established.

The medical record indicates that claimant suffers from chronic bronchitis, general debility, deafness, rapid heart action and an arrested pulmonary condition. His percentage of disability is stated at 75 per cent. Dr. Roy L. Manion, who testified on behalf of claimant, speaks also of a neurasthenic condition. The deafness, of which claimant complains, appears to be progressive and Dr. Manion does not think there can be any improvement. He expresses the opinion that claimant's condition has resulted from his experiences as a prisoner and attributes the pulmonary condition to overwork, malnutrition and poor living conditions, but admits that the effects of gas may be a contributing factor. He expects no improvement in this condition.

In this state of the record, it is clear that claimant has made out a case of disability resulting from maltreatment whilst a prisoner of war, for which, independently of the pension he receives, I consider that he is entitled to an award. As stated in other cases, those claimants who had to endure the brutal treatment of the salt mines, have almost all come out impaired in health. Claimant is no exception. I would, accordingly, recommend a payment to claimant of \$1,000.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1897—ARCHIBALD TAYLOR

The claimant was a Private in the 3rd Battalion—Regimental number 9837. He enlisted in August 1914 at the age of 24 years. He was taken prisoner April 24, 1915 at the second battle of Ypres, suffering from a gunshot wound in the back just above the right hip. He was repatriated to England December 12, 1928. He is in receipt of a 40 per cent disability pension, amounting to \$30.00 per month based on defective hearing, loss of part of the middle and ring fingers of the right hand and the gunshot wound in the back. He is unmarried. Prior to enlistment, he was employed with the T. Eaton Company of Toronto, at a salary of \$12.00 per week, and since his discharge has resumed work with his former employers as parcel inspector, at \$22.00 per week.

He alleges that, while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work 14 or 15 hours daily as a bricklayer and had two fingers on his right hand badly crushed and amputated. Lack of medical attention while suffering from wounds developed a cold which, due to neglect, resulted in deafness.

An analysis of the evidence reveals:—

Claimant declares that he lay on the field of battle for 36 hours, and, when picked up, had a very heavy cold for which he was refused treatment. He was taken to Celle-lager and sent out as a labourer. While working upon a brick making machine two fingers of his right hand were badly smashed and mangled, necessitating their amputation two days later. He complains that he did not receive prompt medical attention for this wound. Claimant has no particular complaint, as to brutality or violence and confines his grievances to lack of treatment for his ears and fingers. In addition he declares that the hours of work were too long. As to the impairment to his hearing, claimant admits that this may have had its origin through the concussion of shell explosions. He declares also that he attributes this condition to the long hours standing at work. He insists that this trouble first became evident in the German hospital, but his medical history file indicates quite clearly that trouble with his ears was noted prior to capture, viz, in March 1915; the place of origin being stated as "France" and the cause "infection"; following a severe cold. The loss of claimant's fingers was the result of an accident and there is nothing in the record to establish maltreatment, either as to origin or treatment, for the injury.

The medical record indicates that claimant suffers from neurasthenia and has lost the third and fourth fingers of the right hand. His percentage of disability is stated at 50 per cent. Dr. Mortimer Fleming, who testified on behalf of claimant, merely spoke generally as to his nervous condition, noted the loss of two fingers, confirmed the defective hearing and was of opinion claimant's condition would not improve.

As will appear from the foregoing, claimant has quite failed to establish that his impaired hearing results from maltreatment whilst a prisoner of war. The condition of his hand was the result of an accident. I am of opinion that the claim is one properly for the Board of Pension Commissioners. They have dealt with the case and I cannot find that claimant is entitled to an award from this Commission. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 7, 1931.

Commissioner.

CASE 1898—WILLIAM WALKER

The claimant was a Private in the Princess Patricia Canadian Light Infantry—Regimental Number 100. He enlisted on the 24th August, 1914, at the age of 32. He was taken prisoner 8th May, 1915, wounded in the right side with a bayonet. He was repatriated to England on the 5th December, 1918. He is in receipt of a 30 per cent disability pension, amounting to \$39 per month, based upon "Pulmonary T.B. and Sinusitis". He is married and has two children. Prior to enlistment, he was a carpenter and hardwood floor finisher, at the then prevailing rate of pay of 50 cents per hour. He is now employed as a messenger with a Trust Company, at \$100 per month.

Claimant alleges that whilst a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He states that whilst ill he was forced to go to work and complains of the long hours, heavy labour, beatings and general abuse. For an attempted escape he was beaten and had his jaw smashed.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp, where he received medical attention for his wounds. He was then sent out to a working party at the Geisweid Iron Mines. He attempted to escape, was recaptured and brutally beaten by guards,

his jaw broken and several teeth knocked out. He was rendered unconscious. This occurrence is borne out by the testimony of a fellow prisoner. He then underwent a Court Martial at Giessen and was given 14 days solitary confinement, without any medical care for his injured mouth. Later at Neiderwollief, for striking a guard he was again beaten, court martialled and sentenced to 3 months, which he spent in prison at Cologne, in solitary confinement. He attributes a lung condition from which he suffers to the damp and cold of this confinement. He was later operated upon for his mouth and antrum condition, without anaesthetic.

The medical record indicates that claimant shows evidence of tubercular infection of the left lung, suffers from chronic infection of left antrum and general physical debility. His percentage of disability is stated at 40 per cent. The medical history files confirm the pulmonary condition which is stated as the reason for pension, together with sinusitis. Dr. O. J. S. Little, who testified on behalf claimant, considers claimant capable only of light sedentary work.

While claimant is in receipt of pension for the lung and sinus conditions, the record indicates that the "infected antrum" had its origin in Germany in 1917 and it is a fair assumption that it was brought about by the beating he received upon recapture after his attempt to escape. I regard the punishment meted out as entirely beyond reasonable bounds and constituting maltreatment in the sense of the reparation provisions of the Treaty of Versailles. Having established maltreatment with resulting disability, claimant is entitled to an award. I would, accordingly, recommend payment to him of \$700 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 9, 1931.

CASE 1899—JAMES SULLIVAN

The claimant was a Private in the Third Battalion—Regimental number 9962. He enlisted in August, 1914, at the age of 29 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded but suffering from the effects of gas. He was repatriated to England in December, 1918. He has made application for a pension. He was married in 1921 and has three children. Prior to enlistment, he was employed with the Toronto Fire Department, at a salary of \$13 per week, and since his discharge, has been engaged as an elevator operator with the T. Eaton Co., his present salary being \$24 a week.

He alleges that while a prisoner of war he was subjected to maltreatment, which has resulted in pecuniary damage to him. He complains of numerous beatings at different camps and solitary confinement after being sentenced to be shot, being struck with the butt of a rifle which affected his eyesight, working in an iron mine for one year affecting his lungs and heart.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen Camp. He was badly beaten by the guards because he could not understand the orders given him in German. As a result of this beating he was laid up for two weeks. He was transferred to Limburg Camp, where he was invited and exhorted to join the "Casement Battalion", which was being recruited amongst the Irish Catholic prisoners. For refusing to accede to this invitation, he was badly beaten and thrown into cells after a so called trial for insubordination. Claimant did not understand the proceedings but found himself in solitary confinement for 28 days. He was then sent to work on a farm at Naoma where he was again badly beaten because

he had, in his ignorance of their employment, broken some tools. In barracks he was further beaten for failing to clean the rooms to the satisfaction of the guards. He was also lined up to be shot by the guards and then placed in cells for seven days. Doubtful of claimant's sanity, he was transferred to Luneberg, where, upon a working party, under the pretext that he was inciting his fellow prisoners to mutiny, he was badly battered and ascribes his present poor vision to the effects of this beating. He received further ill treatment at an Iron Works where he was compelled to work for long hours upon insufficient food. He contracted the "flu", with other prisoners, and was denied medical attention, and made to work before he had recovered, even after the date of the Armistice. He ascribes his lung and heart condition to these incidents.

The medical record indicates that claimant suffers from a dry pleuritic condition at the base of the left lung, eye trouble, and some deafness. Dr. J. M. Dalrymple, who testified on behalf of claimant, cannot speak as to the eye condition. It appears from claimant's medical history files that he was discharged as fit, "all systems normal and eye condition same as on enlistment." Dr. Dalrymple attributes the chest and heart condition to the attack of "flu" from which claimant suffered, with possibly the effects of gas as a contributing factor. His chest condition is declared to be the more serious. His potential disability is rated at 50 per cent.

On the whole, having regard to the nature of claimant's disabilities, I cannot find that these are wholly or in part the result of maltreatment at the hands of the enemy. He has failed to establish the connexity between his present condition and the maltreatment complained of. His chest condition is probably the result of flu and the effects of gas. His eye sight has not deteriorated due to imprisonment. It is as it was on enlistment. I must, accordingly, disallow the claim.

ERROL M. McDUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1900—JOHN ALFRED McCALLUM

The claimant was a Private in the 2nd Battalion—Regimental number 8469. He enlisted in August 1914 at the age of 26 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, wounded in the right arm and suffering from gas. He was repatriated to England January 1, 1919. He is in receipt of an 18% disability pension, amounting to \$21.00 per month, based on neurosis and gunshot wound in the right arm. He was married June 27, 1919, and has three children. Prior to enlistment, he was employed as a barber at a wage of \$25.00 per week, and since his discharge has resumed his trade, with the T. Eaton Co., Toronto, at \$25.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being beaten, made to work when unfit, exposure and starvation and finally that he was compelled to work for two years in the salt mines under conditions of the greatest hardship.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp, was beaten for not doing enough work but has no serious complaint as to his treatment in this camp. Removed to Celle-lager, he was transferred to Ostenholzenmoor and set to work in January weather in the water, upon ditches. He was hit and rendered unconscious for an hour for not working satisfactorily, and spent three weeks in hospital as a result of this treatment. This statement is corroborated by a fellow prisoner. Sent to

a farm, claimant escaped, was recaptured, taken to Celle-lager, where his punishment consisted in being tied to posts for 8 hours a day and beaten while so tied. This lasted for 18 days when he was placed in close confinement for 60 days. He was then sent to the ill famed Beienrode salt mines where he remained for two years and sustained the unusually cruel and brutal treatment spoken of by other prisoners (see Case 1875). He was beaten and on one occasion broke his arm as the result of an accident in the mines. He received no medical treatment for the arm and still suffers from it. He complains of his eyes, his stomach and a nervous condition which impairs his earning ability.

The medical record indicates that claimant suffers from neurasthenia, chronic gastro-enteritis and disability of the right arm. His percentage of disability is placed at 50 per cent. Dr. Mortimer Fleming, who testified on behalf of claimant, declares that his nervous condition has been very unstable and unsatisfactory, that claimant suffers from some deafness and is incapacitated in his employment.

Having regard to the observations contained in Opinion annexed to the present report, and taking into consideration the fact that claimant spent two years in the notorious Beienrode salt mines, I have reached the conclusion that a part at least of his present disability may be traced to maltreatment whilst a prisoner of war. Very few, if any, prisoners withstood the rigours of the salt mines without some resultant disability. I would, accordingly, recommend a payment to claimant of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1901—HERBERT FRANKS

The claimant was a Private in the 3rd Battalion—Regimental number 9674. He enlisted in August 1914 at the age of 28 years. He was taken prisoner April 24, 1915, at the battle of St. Julien, slightly wounded and gassed. He was released December 8, 1918, and reached England on the 10th of that month. He is not in receipt of pension and is unmarried. Prior to enlistment, he was employed as a fireman on the Grand Trunk Railroad, at a wage of \$60 per month, and since his discharge has been employed as night cleaner at the new union station in Toronto, at a wage of \$21.50 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work long hours daily (12 hours) in the stone quarries for three and a half years. Had his nose broken by a guard with a rifle, causing a serious impediment in his speech. He also suffers from nerves and stomach trouble.

An analysis of the evidence reveals:—

Slightly wounded and gassed when captured, claimant was taken to Giessen camp, where he remained about a month and was then sent to a stone quarry at Huesten. Here he remained for the duration of his captivity. He is quite frank in stating that violence and brutality could be avoided. In his own words: "I did not look for trouble. I saw enough of it." Apparently, with one exception, he was successful. He was struck on the nose with the butt end of a rifle for not doing what he was told. His nose was broken and it is suggested that the result of this injury has been to impair his speech. Claimant worked long hours, upon poor food and in unhealthy conditions. He complains chiefly of his nerves and also suffers from his digestion.

The medical record indicates that claimant is suffering from neurasthenia, asthenia and general debility. His percentage of disability is declared at 100 per cent in his calling and 50 per cent in the general labour market. Dr. Mortimer Fleming, who testified on behalf of claimant, attributes the impediment in speech to neurasthenia and his generally impaired health to the conditions which have been reported to him to have existed in the German prison camps. Claimant's prognosis is unfavourable, but it cannot be said definitely that any particular maltreatment has been the cause.

In these circumstances, having regard to the general observations contained in Opinion annexed to this report, it is difficult to establish the connexity between maltreatment suffered at the hands of the enemy and claimant's present condition. I consider that claimant has failed to make out a case, and his claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1902—SAMUEL PORTER

The claimant was a Private in the 3rd Battalion—Regimental number 10065. He enlisted in August, 1914, at the age of 18 years. He was taken prisoner on April 24, 1915, at the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England January, 1919. He is not in receipt of pension. He was married in March, 1919, and has no children. Prior to enlistment, he was working as a truckman at the T. Eaton Co., at a salary of \$10.00 per week. He is at present employed in the Toronto Fire Department, at a salary of \$1,950.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of eye trouble, which is apparently a pre-war disability, fractured ribs, an appendix condition, 4 teeth knocked out by a sentry and a bayonet wound in the right hip, also caused by a sentry.

An analysis of the evidence reveals:—

Claimant was first taken to Roulers and thence to Roback and put to work in a foundry. For an attempt to escape claimant was hit over the head with the butt end of a rifle and a gash opened over the right eye, rendering him unconscious. He also got 7 or 14 days in cells as a punishment. He was removed to a stone quarry and then to a farm. At the latter place a fight seems to have arisen between the prisoners and the civilian guards. The military sentries were called in and in the skirmish which ensued, claimant received a kick in the mouth which knocked out four teeth and was struck on the hip with a bayonet. This bayonet wound incapacitated him for 6 months, but has left no disability. As further punishment claimant and other prisoners were made to stand to attention for 4 hours at a time. He was next sent to the salt mines at Gretham for 11 months, but does not complain of any particular maltreatment here. He had boils which received very scant attention, but no disability has been shown to flow therefrom. Claimant was next sent to Krupps Munition plant, where for refusing to work, he was beaten. His next camp was Saltau where he was given solitary confinement for 25 days. He developed flu and received no treatment. So harsh was the treatment that claimant attempted to injure himself in order to escape work, by dropping a stone on his foot. He speaks of receiving glasses here for the first time. They were sent him by his mother. He attributes the weakness in his eyes to the effects of gas, aggravated by poor food and hard work. He also complains of his stomach, but declares that "the only thing worrying me is my eyes."

The medical record indicates that claimant is suffering from hypermetropic astigmatism, chronic appendicitis, old fractured ribs causing pain, and loss of 4 front teeth. Dr. Frank Park, who testified on behalf of claimant, declares that claimant's principal disability results from a chronic appendix, which, however, is operative. He speaks of the scar on claimant's head over the eye, but is of opinion this carries no disability. The fractured ribs produce some but little disability, being sensitive. There is a scar on the right hip, indicative of a stab wound, but this causes no disability. In speaking of claimant's eye condition, Dr. Park says this is not the result of service, but was a pre-existing condition, which may become aggravated by service. In Dr. Park's words "he has always had that." This statement is borne out by claimant's medical history files.

In this state of the record, I have reached the conclusion that claimant, though roughly treated as a prisoner of war, has suffered no disability which would entitle him to an award under the relevant sections of the Treaty of Versailles. The eye condition was pre-existing, the loss of teeth was due to a scuffle with guards who were entitled to subdue what must have appeared to have been a riot, and the appendix condition is not shown to have resulted from maltreatment. On the whole therefore, I must disallow the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1910—FREDERICK BONE

The claimant was a Private in the 15th Battalion—Regimental number 27174. He enlisted in August, 1914, at the age of 21. He is married and has four children. He was taken prisoner at Ypres, April 24, 1915, unwounded. He was repatriated to England December 3, 1918. Prior to enlistment, he was a locomotive wiper on the C.P.R. at wages of 16 cents per hour. He is now a machine operator with the Canada Wire Cloth Company, at 45 cents per hour. He was originally in receipt of a pension of \$11.50 per month, which he commuted in 1921. He came back on pension in October, 1930, at \$30.00 per month. The records disclose that this pension was granted by reason of neurosis.

He alleges that while a prisoner of war he was subjected to maltreatment which has result in pecuniary damage to him. In particular he complains of loss of health, a nervous condition and stomach trouble induced by insufficient and bad food whilst in prison comp.

An analysis of the evidence reveals:—

Claimant spent practically the whole period of his captivity attached to Giessen camp, but was sent upon working parties in the vicinity. He complains chiefly of the bad and inadequate food, and has no particular complaint as to brutality and violence at the hands of the guards. At a sawmill, where he worked in 1918, abscesses broke out on his thigh. Applying for medical treatment he was locked up for three days, given water but no food and then marched back to Giessen, a distance of several miles. He suffered greatly from boils, which he attributes to undernourishment.

The medical record indicates that claimant suffers from nervous exhaustion, insomnia, depression, soreness in stomach and abdomen, shaking of the head and is startled by noises. His percentage of disability is stated at 20 per cent. Dr. A. M. Bell, who testified on behalf of claimant, describes him as a nervous wreck and speaks of a stomach condition. Claimant does not appear to lose much time from his work. In Dr. Bell's opinion, claimant's conditions could result from the history he gives of his experiences.

This is clearly one of those difficult cases in which malnutrition and hard work combined have impaired claimant's health. Having regard to the general observations contained in Opinion annexed to the present report, I do not consider that claimant has shown that his disability results from maltreatment. He was compelled to submit to conditions which were general throughout Germany and, if his health has been impaired as a result, I regard that condition as purely pensionable. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 1911—JAMES JACKSON CONNOLLY

The claimant was a private in the 15th Battalion—Regimental number 27181. He enlisted in August, 1914, at the age of 18. He was taken prisoner at Ypres, April 24, 1915, slightly wounded and gassed. He was repatriated to England in December, 1918. He was married in June, 1921, and has one child. Prior to enlistment, he was apprenticed to the Taylor Safe Works, Toronto, at the rate of \$12.00 per week. He is now permanently employed by the Post Office at \$85.00 per month. He is in receipt of a pension of \$23.00 per month, based upon bronchitis and nephritis.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. In particular he complains that he was compelled to work in a stone quarry, that he was unjustifiably struck in the mouth, resulting in the loss of teeth, that he was subjected to exposure, starvation and general abuse, affecting his health.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen camp, to which he remained attached for the duration of his captivity, except for occasions when he went out on working parties. He complains that on the way to Gottingen, he was struck in the mouth by a guard and had several teeth knocked out for picking up a cigarette butt and, as a result, later, in the salt mines, his teeth became badly infected and he has lost most of them. At a stone quarry near Gottingen he, with other prisoners, was compelled to remain out in the rain, unclothed, for a full day and, as a result, contracted a heavy cold which remained with him. For refusing to work at a munitions plant, he, with other prisoners, was beaten and sent to the salt mines at Sarstedt, where he apparently spent three years and six months, working underground under conditions of great hardship and brutality. Claimant ascribes his present kidney affection to poisoning while working in the salt mines. He speaks of an incident of a drunken guard who came back to the barracks, aroused the prisoners and smashed them with his fist as they passed him. Claimant, in particular, was knocked downstairs and injured his toe. In Common with other prisoners who were in the salt mines, claimant declares that he was covered with salt sores or boils for which he received no medical attention.

The medical record indicates that claimant is suffering from chronic bronchitis, neurasthenia, nephritis, defective teeth and injured large toe joint. His percentage of disability is stated at 50 per cent in his own calling and at 30 per cent in the general labour market. No medical evidence was adduced before the Commission apart from the affidavit of Dr. R. P. Turner. The medical history files indicate, as above stated, that claimant is in receipt of a pension for bronchitis and nephritis.

In this state of the record, the medical evidence, establishing a disability which may be traced to maltreatment while a prisoner of war, is not very complete. Having regard, however, to the general observations contained in the

Opinion annexed to this report and, in particular, the fact that claimant spent three years and eight months of his captivity in the salt mines, I am of opinion that he has suffered disability which may be ascribed to maltreatment whilst a prisoner of war. I would, accordingly, recommend payment to claimant of \$700.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920 to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 1912—GEORGE HENRY JOHNSON

The claimant was a Private (Sniper) in the 3rd Battalion—Regimental number 10044. He enlisted in August, 1914, at the age of 27 years. He was taken prisoner April 24, 1915, at the second battle of Ypres. When captured he was wounded by shrapnel in the chest, ankle, and back of the head, also gassed. He was repatriated to England December 15, 1918. He was awarded a pension, but the amount thereof was not known at the date of the hearing. Prior to enlistment, he was engaged as Sales Manager. In his questionnaire he gives his salary at \$300.00 per month, but in his evidence as \$200.00 per month. Since his discharge he has held several positions, but at the date of the hearing of his claim, he was unemployed.

Claimant alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He states that nine teeth were knocked out, one ear-drum is ruptured, a bone in his nose is broken, and his vision has become defective. He also states that whilst in prison camp he had an attack of Spanish Grippe, and that this, by reason of inattention on the part of the German authorities, has reacted unfavourably upon his health.

An analysis of the evidence reveals:—

Claimant, though wounded when captured, was subjected to rough treatment on the way to Roulers. He finally reached Giessen camp and was sent out on a farm to work. He complains of no incidents of maltreatment, until he reached Huesten in East Prussia. For refusing to do the work required of him he was kicked, hit in the mouth with the butt of a rifle and had four teeth knocked out. Then, made to work in the blast furnaces, he collapsed due to the excessive heat when forced to stand within 3 feet of the furnace doors. Claimant became recognized as the leader of his party and received heavier punishment than did the others. He sustained burns whilst working on the furnaces and contracted "flu", for which he received no medical attention. He complains chiefly of the blow on the mouth which besides knocking out teeth, damaged his mouth. The pains in the head he considers may result from his original wounds. He also suffers from his heart and nerves and has some stomach trouble. He attributes defective vision to the blow on the head above referred to.

The medical record indicates that claimant suffers from impaired vision left eye, ruptured ear drum (left) resulting chronic otitis media with deafness, nasal obstruction left side—almost constant headaches, gastronomical disturbances, and chronic tuberculosis. Of these ailments, the Pension Tribunal has found that bronchitis, defective hearing and defective vision are attributable to military service. Dr. S. G. Henry furnished a certificate as to the disabilities above referred to, but did not appear before the Commission. Claimant's medical history files do not disclose any particular disability.

Claimant's pension files cast doubt upon his credibility. In letter addressed to the Pensions Board he declares that through "continual soup diet my teeth went bad and I had 9 double teeth *drawn*, two upper and seven lower." I do not

think that he has been successful in showing that his impaired vision and defective hearing were due to maltreatment. His remaining disabilities are, I consider, more properly ascribable to service. In these circumstances, viewing all the facts, I consider that claimant has failed to discharge the burden of showing a present disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 1913—RALPH B. WALLACE

The claimant was a Private in the 75th Battalion—Regimental number 228024. He enlisted February 24, 1916, at the age of 18 years. He was taken prisoner April 9, 1917, suffering from a gunshot wound in the forehead. He was repatriated to England December 7, 1918. He is in receipt of a 60 per cent disability pension amounting to \$87.00 per month, based on tuberculosis of the lungs, and heart trouble. He was married September 2, 1920, and has two children. Prior to enlistment, he was a student, and since his discharge, he has been a Civil Servant in the employ of the Ontario Government, at a present salary of \$1,500.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He states that he suffers from chest and lung trouble, and that certain inoculations to which he was subjected affected his heart.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 18 months, first at Munster hospital and camp, then at Dulmen and finally at Essen. He complains that the head wound from which he was suffering received improper medical attention, and that it was only at Essen, towards the end of his captivity, that the bullet was removed by a German doctor, who performed the operation without anæsthetic. At Dulmen claimant received a number of inoculations which made him very ill. He suggests, but, of course, is unable to prove, that he was deliberately inoculated with tuberculosis. It would appear that he was being given protection against cholera. At all events, he ascribes his present condition of tuberculosis (for which he receives a pension) to these inoculations. He was sent to work in the coal mines near Essen and because he could not carry on, due to his weakened condition, was punched in the face and beaten. Apart from his lung condition, claimant speaks of his heart as troubling him and that he is generally run down and debilitated.

The medical record indicates that claimant suffers from tuberculosis of the lungs and mitral stenosis. His percentage of disability is stated at 60 per cent in his own calling and at 100 per cent in the general labour market. Dr. G. Douglass Jeffs, who certifies to the foregoing, appeared before the Commission in support of claimant's case. He infers from claimant's history that the tuberculosis might well have resulted from the treatment received, but scouts the idea that the inoculations were administered from any sinister motive.

It is probable, from a perusal of the evidence, that claimant's illness dates from the inoculations referred to. Leaving aside the suggestion above referred to, the mere fact of inoculation of a prisoner of war cannot, *per se*, be regarded as maltreatment. On the contrary, it would evidence a desire to protect the patient from contagion. That his system may not have been able to assimilate the treatment cannot, in my view, be laid at the door of the Germans. Osten-

sibly they gave him proper treatment. That it acted unfavourably is unfortunate. Claimant is in receipt of a pension for his ailment, and I regard this as the measure of his recourse. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1915—GEORGE STEVENS

The claimant was a Private in the 20th Battalion—Regimental number 57727. He enlisted in November, 1914, at the age of 26 years. He was taken prisoner June 2, 1916, at Ypres, unwounded, but states that he had been gassed just previously. He was repatriated to England December 9, 1918. He is in receipt of a disability pension, amounting to \$20.00 per month (including his wife's proportion) based on "chronic bronchitis." He was married in 1919 but has no children. Prior to enlistment, he was employed as a structural steel worker at a salary of from \$20.00 to \$25.00 per week, but since his discharge has never had a steady position. He does odd jobs of painting and gardening.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he received beatings with clubs, rifle butts and rubber tubing. He alleges that he suffers from shock, nerve strain and debility, also that he has a chest condition.

An analysis of the evidence reveals:—

Claimant spent 6 months at Dulmen camp. He complains of frequent inoculations and was beaten with rubber hose on one occasion for reporting sick. For refusing to work at Munster, in a munitions factory, he was put in cells. He was sent to Minden for a couple of months and then spent 19 months in the coal mines at Friederichsfeld. He was beaten for reporting sick and speaks of the conditions as particularly harsh. He points to a scar over his eye as the mark of a cut received during this beating. Claimant attributes to these experiences nervous debility and general shock to his system, with some chest affection.

The medical record indicates that claimant suffers from chronic bronchitis of asthmatic type. His percentage of disability is stated at 20 per cent. Dr. F. R. Carson, who certifies to the foregoing did not appear before the Commission. There is also a certificate from Dr. Gordon W. Armstrong declaring claimant suffers from bronchial condition, shock and neurasthenia. His condition shows no improvement. Claimant's medical history files speak of a generally weakened condition, ascribed to treatment as a prisoner of war.

I am inclined to think that the bronchial condition is of service origin and due to gas with probable aggravation due to the long period claimant was compelled to work in the coal mines. Claimant was subjected to general rough treatment as a prisoner, and I think the record justifies a finding that his present condition results from such treatment, particularly having regard to the conditions which prevailed in the coal mines, as to which we have evidence. I would, accordingly, recommend a payment to claimant of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 9, 1931.

CASE 1916—CHARLES SINCLAIR PARSONS

The claimant was born in Canada and enlisted with the Officers Training Corps in 1915. He was a Lieutenant in the 227th Battalion and later took out an Imperial commission with the Royal Naval Air Service, receiving his appointment on April 7, 1917. He was taken prisoner April 22, 1918, as the result of a crash while flying, and was suffering with wounds in the face, eye and leg at the time of capture. He was repatriated to England on December 18, 1918. He is not in receipt of pension. He was married May 25, 1925, and has no children. Prior to enlistment, he was employed as a surveyor and prospector, earning from \$1,000.00 to \$1,500.00 per annum, and since his discharge has been employed as a mining engineer and professional geologist, earning anywhere from \$2,000.00 to \$7,500.00 per annum, but was unemployed at the time of the hearing.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of permanent injury, due to the failure on the part of the Germans to give him reasonable medical attention and transportation, although all facilities were available, in well organized territory. He suffers as the result of poor food. He received a beating with rifle butts after the escape of a fellow prisoner. He states that his left ankle becomes painful and swollen under any strain and that the permanent disablement of this leg is due to the lack of attention by the Germans.

An analysis of the evidence reveals:—

Claimant was brought down and captured in the water off Zeebrugge, a few days before the blockade. His complaint is confined to disability resulting from lack of medical attention to his injured ankle, although in his statement of claim, above, he refers to other incidents of maltreatment. He received some attention at Zeebrugge, but in being made to walk to the train without crutches, with his injured leg dangling, the injury was intensified and it is his contention that the disability is now greater than it would otherwise have been. He speaks of having received a beating at Zeldenz in connection with the escape of a prisoner, but suffered no disability therefrom.

The medical record, consisting of the certificate of Dr. Graham Chambers, reads as follows: "States left ankle under influence of any strain becomes painful and slightly swollen. Becomes unable to walk." No percentage of disability is stated. There is nothing unusual in claimant's medical files.

The original injury appears to me to be the cause of any disability which claimant suffers. I cannot say that the record would justify a finding that the injury was aggravated by anything which occurred to claimant whilst a prisoner. I regard the claim, if any, as one purely for the attention of the Board of Pension Commissioners. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 1917—WILLIAM FRASER

The claimant was a Private in the 15th Battalion—Regimental number 27597. He enlisted in August 1914 at the age of 23 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, slightly wounded in the back with shrapnel, and suffering from gas. He is not in receipt of a pension although his application is pending and has apparently been granted although the rating has not been fixed. It is based on chronic bronchitis, neurasthenia and gastritis. He was married February 28, 1920, and has one child.

Prior to enlistment, he was employed as a blacksmith, earning \$15.00 per week and since his discharge he has tried his former occupation but could not continue and is now a street car conductor earning \$23.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been struck a blow on the back of the head with a rifle butt in the hands of a guard, from which he has suffered ever since, being subject to loss of memory and inability to concentrate. Gets splitting headaches and has had some five fits since his return. He still bears scars from bayonet pricks and during his imprisonment, suffered with boils which were lanced and left undressed, permitting salt from the mines where he was working to enter the open wounds. He also suffers with gastritis and irregular heart action and is unable to do any manual labour or work requiring strain or concentration.

An analysis of the evidence reveals:—

Claimant was sent, through Gottingen and Celle-lager, to the notorious salt mines at Beienrode, where he remained for three and a half years, all of which time, except for six months in hospital, he was working in the salt mines under conditions with which we are familiar. (See Case 1875). His story resembles that of other prisoners in this camp and consists of a recital of beatings, blows, kicks, exposure and general deprivation. It is unnecessary to detail the incidents of maltreatment, which are summarized above as contained in claimant's statement of claim and are borne out by the evidence.

The medical record indicates that claimant suffers from gastritis and irregular action of the heart. His percentage of disability is unstated. Dr. E. F. Boire, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show some heart affection with evidence of bronchitis.

I think I may say, as I have in other cases coming from the salt mines, that it is surprising that claimant does not suffer a greater disability from his experience as a prisoner. The conditions were so cruel and brutal and the work so heavy as to amount, in the language of Lord Justice Younger to "a singularly cruel and dangerous form of slavery". (See Opinion annexed to present report). Claimant has, I consider, made out a case of maltreatment whilst a prisoner of war, resulting in disability to him. In the circumstances, I would recommend a payment to him of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 2, 1931.

CASE 1918—GEORGE WILLIAM FROST

The claimant was a Lance-Corporal with the 10th Battalion—Regimental number 20477. He enlisted September 23, 1914 at the age of 42 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England June 15, 1918. He is in receipt of 100 per cent disability pension, amounting to \$94.08 per month for himself and wife, based on neurasthenia, myocarditis, sciatica and bronchitis. He was married at the time of enlistment and had then a son aged 16 years. Prior to enlistment, he was master of a tug boat on the Pacific coast at a salary of \$125 per month and board for himself and his wife and after his discharge has merely been able to eke out an existence with jobs held only for short periods of time.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had his shoulder fractured when pushed down some steps by a German guard, also had the third finger on his left hand broken; that he was repeatedly beaten, made to do hard labour and placed in confinement. His health and nerves are ruined and his release was effected through the intervention of the King of Spain to whom his wife had written.

An analysis of the evidence reveals:—

Claimant is also a veteran of the South African war and, as above stated, was 42 years of age when he enlisted in 1914. He was suffering from the effects of gas when captured and spent some time at Giessen camp, was transferred to Friedberg in 1916 and back to Giessen in 1917, from which latter camp he was sent out on working parties, notably to Geisweid Iron Works. Claimant appears to have aroused the particular hostility of his guards, through his efforts to facilitate the escape of a British officer, and his general unbending attitude to his captors, for which conduct he has been commended by the military authorities. As a marked man, he was singled out for rough handling and was frequently beaten and driven to work at the most arduous of tasks. Knocked down on one occasion, his shoulder was fractured and gave him intense pain for months, but he was driven to work notwithstanding his condition. For his share in the attempted escape of Captain Walker, he was beaten and sent to Butsbach Penitentiary for 21 days. Claimant entered Germany a strong, healthy man and emerged a wreck of his former self. It is true that his age may have rendered him less capable of resisting the treatment meted out, but a study of the record creates the conviction that he was exposed to the deliberate malignity of his captors.

The medical record indicates that claimant suffers from neurasthenia, insomnia, persistent headache and myocarditis. His percentage of disability is stated at 100 per cent. Dr. Frederick Inglis, who certifies to the foregoing, did not appear before the Commission, but it is evident from claimant's appearance that he is broken in health beyond what his years would normally show and is quite incapable of supporting himself. While his medical history files indicate dyspnoea on exertion, which may be the result of gas when captured, I have become convinced that claimant's general condition was aggravated by the unjustifiable treatment he underwent in Germany.

Viewing the case as a whole, I have no hesitation in finding that claimant was subjected to maltreatment whilst a prisoner of war which has resulted in disability to him. I would, accordingly, recommend a payment to claimant of \$1,600.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1919—JOHN THOMPSON HEWITT

The claimant was a Lance Corporal in the 3rd Battalion, Regimental number 9206. He enlisted in August 1914 at the age of 31 years. He was taken prisoner April 1915, at the Second Battle of Ypres, suffering from a wound in the head. He was exchanged to Holland early in 1918 and repatriated to England on the 18th of November 1918. He is in receipt of a disability pension amounting to \$7.50 per month, based on "fracturing index and middle fingers right hand." He is unmarried. Prior to enlistment, he was employed at the City Hall, Toronto, at a salary of \$19.50 per week, and since his discharge has been similarly employed, at a present salary of \$1,700 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his hand was smashed between two trucks whilst he was working in a salt mine, and that he was compelled to continue working. He complains also of damage to his feet from wearing wooden clogs. He alleges a state of nervousness and stomach trouble.

An analysis of the evidence reveals:—

Claimant limits his claim to the injury to his two fingers, and a nervous condition. His fingers were caught accidentally in the coupling of two trucks upon which he was working at, or near, Eschede. Although he asked for medical attention, none was given him for six days and when he finally saw the doctor, blood poisoning had set in. He was operated upon and has no complaint as to the treatment then given him, but contends that the disability which remains from this injury was due to wilful disregard of the wound. At Giessen, Saltau, Lichtenhorst, Grossenweidenmoor and Hameln camps, claimant does not complain particularly of ill treatment. He was in the salt mines for $3\frac{1}{2}$ months. He made several unsuccessful attempts to escape and was confined to cells as punishment. He speaks of enforced punishment drill, general rough usage, poor food and injury to his feet through being compelled to wear wooden clogs.

The medical record indicates that claimant's right hand is injured—index and ring fingers—partly paralysed, that he suffers from nervousness and shortness of breath—nervous gastritis. His percentage of disability is stated at from 20 per cent to 50 per cent. Dr. F. N. Feader, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files refer only to the injury to his hand and fingers. In other respects he is declared to be fit.

The injury to claimant's fingers was accidental in origin. It has not been demonstrated that had he received immediate medical attention, the fingers would not have been disabled. He admits that the treatment, when received, was good. In the absence of proof establishing the connexity between the disablement and the treatment complained of, as also some better proof as to the other disabilities referred to, claimant cannot succeed. Claimant's recourse is properly before the Board of Pension Commissioners. I am, accordingly, compelled to disallow the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1920—MAJOR THOMAS VENABLES SCUDAMORE

The claimant was a Captain in the 7th Battalion when captured. He enlisted in August 1914 at the age of 25 years. He was taken prisoner April 24, 1915 at St. Julien, suffering from shrapnel wound in the head and from gas. He was released to Switzerland in December 1916 and repatriated to England March 14, 1918. He is in receipt of a 30 per cent disability pension, amounting to \$41.50 per month, based on defective vision, aggravated on active service, neurasthenia and gastric neurosis. He was married August 24, 1919 and has two children. Prior to enlistment, he was a Real Estate agent, earning \$2,500 per annum, and since his discharge he has been in charge of his own real estate business, since 1919. Had to leave it during the whole of 1920 and 1921 and again in 1927 for a complete and prolonged rest. His average earnings in the years he was able to devote to his business, were \$2,500 per annum. The years he was compelled to rest he went to Europe and spent much time in hospitals at great expense.

He alleges that while held prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of worry, blows and abuse, constant under feeding, and solitary confinement.

An analysis of the evidence reveals:—

Wounded in the head, when captured, claimant was marched to Roulers, where he declares he was beaten over the head with a riding crop by a German officer, during the course of an interrogation. He describes the occurrence as follows. . . “ and he started to thrash me across the head with the riding crop, and nothing but the presence of the sentry whom I was able to duck behind prevented me from being beaten up. That is the last time I was in any way interfered with at all, the first of January, 1916.” This incident occurred within eight hours of claimant's capture. In describing the same incident in statement made by claimant upon repatriation (statement dated January 8, 1917) he says: “I met the same Commandant in the passage; he addressed me as ‘Du’, repeatedly struck at me with his riding crop, and cursed me for being a Canadian.” There is thus some divergence between the testimony given by claimant and his earlier statement. It is not clear whether claimant was actually struck by the German officer. I have given some prominence to these statements, because this is the only incident of maltreatment of which claimant complains. He does say that he was given 16 days solitary confinement for an attempted escape and that his health was affected thereby, and also speaks of his eye condition, but admits quite frankly as his medical history sheets show, that this trouble had its origin before the war. His claim is based upon a general nervous condition, which resulted in a breakdown in 1920 and again in 1927, due, claimant alleges, to the general conditions under which he lived, as a prisoner of war.

The medical record is confined to the claimant's eye condition, his nervous system being declared to be normal. No medical evidence was adduced before the Commission, nor has any certificate been filled substantiating his contentions. We are left only with the medical records attached to his pension file. As stated, above claimant is in receipt of a pension on the ground of defective vision, neurasthenia and gastric neurosis.

In this state of the record, it is obviously impossible to find that claimant was subjected to such maltreatment, while a prisoner of war, as has resulted in permanent disability to him. He has failed to discharge the burden resting upon him of establishing a case of pecuniary damage through maltreatment within the relevant sections of the Treaty of Versailles. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1921—LEONARD JAMES STANWAY

The claimant was a Private in the 4th C.M.R.—Regimental number 109622. He enlisted in November, 1914, at the age of 22 years. He was taken prisoner June 3, 1916, slightly wounded in the leg. He was repatriated to England on December 5, 1918. He is not in receipt of disability pension, but has applied therefor, on the grounds of bronchitis and astigmatism. He was married in July, 1923, and has one child. Prior to enlistment, he was in the employ of the Dunlop Rubber Company, as a tire maker, at a salary of \$15 per week, and since his discharge, has been employed as a clerk in the Department of Pensions, at a salary of \$115 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that poor food, exposure, and lack of medical attention brought on a chest condition from which he still suffers, and that this condition was aggravated by his work in a gas factory. He also complains of nervousness.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen camp, where he remained ten weeks and has nothing to complain of. He was then sent to Duisburg camp and complains of being made to work in the wet, to which he attributes a chest condition from which he suffers. Claimant presents one of the rare cases in which no complaint is made of physical brutality. He declares that he was never beaten and when asked how he escaped this treatment makes the very significant reply, "Keeping my mouth shut." He speaks of the doctor as very fair, but attributes his weakened chest to exposure and lack of proper medical attention. He complains of being made to work in a tin factory, out of Duisburg, where the gas fumes, against which he was furnished with practically no protection, aggravated an already impaired lung condition. For an attempted escape, claimant received only four days confinement upon recapture. Claimant also attributes to these experiences astigmatism.

There is no medical evidence in this case, not even the usual certificate from a medical practitioner. Claimant's medical history files show nothing unusual, an entry appearing that pension is under consideration, for bronchitis and astigmatism, and that he had some hospitalization for rheumatic arthritis in 1916.

Claimant told a pleasingly frank story of his life in Germany, but unfortunately for his case, he has failed to show any present disability resulting from his experiences which can be regarded as maltreatment. The claim fails for lack of medical evidence to support it. I would regard the case, in any event if disability is shown, as one for the consideration of the Board of Pension Commissioners. It is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 8, 1931.

CASE 1922—JOSEPH S. McCULLOCH

The claimant was an Imperial soldier, being a Private in the 1st and 2nd Battalions, Sherwood Foresters—Regimental number 10132. He went to France in September, 1914, at the age of 18 years. He was taken prisoner October 24, 1914, at La Basse, in France, unwounded. He came to Canada to reside November 2, 1919. He was repatriated to England December 14, 1918, after being held prisoner for four years and 2 months. He is not in receipt of pension. He was married December 24, 1926, and has one child. Prior to enlistment, he was employed as a butcher's assistant, at a wage of about \$9 per week and board and since his discharge he was working for the Ford Motor Company at Windsor, Ontario, at six and seven dollars per day. He was laid off owing to reduction of staff and was unemployed at the date of the hearing.

While claimant was an Imperial soldier, the record reveals that he came to Canada to reside with his mother in the year 1919. As explained in opinion annexed to my Interim Report dealing with civilian cases, the date of the ratification of the Treaty of Versailles—January 10, 1920—has been taken as constitutive of jurisdiction to claim reparations in Canada. I see no good reason to apply a different rule in the case of British soldiers who took up residence in Canada prior to that date. I, therefore, find that claimant is entitled to advance his claim for reparations before this Commission.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a three-day journey to Germany in cattle trucks, his overcoat and shoes were taken from him and he was given one slice of bread and water during the journey. Was knocked full-length in a puddle of water by a guard and had to sleep soaking wet without blankets. Was tied to a post on his toes for eight hours. Forced to work 12 hours per day swinging a fourteen-pound hammer and received beatings for any letting up in the work. Then put to work draining marsh land working in water to the knees. Given eight days solitary confinement for forgetting to salute the commandant. Very cold and had no blankets though it was winter. Then placed to work in a coal mine where he received a kick in the mouth, losing one tooth. Was confined to the mine for two days without food and finally became so ill was sent to hospital with La Grippe. He now suffers from kidney trouble due to the work in the marsh bogs, suffering severely from headaches, back-aches, nervousness and a cough which might develop into tuberculosis. Also has blood in the urine and was told to come to Canada for his health.

An analysis of the evidence reveals:—

The earlier portion of claimant's case, as summarized in his statement of claim, is not borne out by his testimony before the Commission. The conditions of life and maltreatment to which he was subjected from the time he reached Hameln Camp (October 1914), is covered by his testimony. Claimant spent time at Vehnemoor, Recklinghausen and Minden camps and at farms connected therewith. Upon returning to England, on the advice of his doctors, claimant came out to Canada with his mother in the hope that the climate would be beneficial.

The medical evidence consists of a certificate of Dr. E. C. H. Windeler, who attended claimant from 1924 to 1930 for headache, pain in the back and haematuria. Dr. Windeler also declares that claimant's nervous system is highly strung and that he is a very poor sleeper.

Having regard to the long period of claimant's captivity—4 years and 3 months—and the condition in which he was upon enlistment and his condition upon discharge, as to which there is evidence in the record, I think it is a fair assumption that the maltreatment to which claimant was subjected has resulted in considerable impairment to his health. His testimony was clear and convincing and I have no reason to doubt the accuracy of his story. We have not, in this case, the advantage of claimant's medical files, but I consider that the record fully justifies an award in claimant's favour. I would, accordingly, recommend a payment to him of \$600, with interest thereon at the rate of 5 per cent per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 1923—ARTHUR GIBBONS

The claimant was a Private in the 3rd Battalion—Regimental number 10122. He enlisted in August, 1914, at the age of 18 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a shrapnel wound in the thigh. He was repatriated to England August 25, 1915, having been released through Holland. He is in receipt of a 40 per cent disability pension, amounting to \$52.00 per month, based on the condition of his right leg and right ankle. He was married May 1, 1920, and has two children. Prior to enlistment, he was employed as a clerk with the Toronto Electric Light

Company, earning \$70.00 per month, and since his discharge has acted as Secretary-Treasurer of the Canadian Legion until May, 1928, at a salary of \$150.00 per month. From that time he has been employed as a salesman on commission, earning approximately an average of \$100.00 per month, and by the Board of Pension Commissioners as an investigator.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that owing to neglect and malpractice on the part of the German medical authorities, his right leg was either not set or was wrongly set, causing permanent shortening of the leg and loss of the use of the foot.

An analysis of the evidence reveals:—

Claimant's case is confined to malpractice on the part of the German medical authorities, which has resulted in an aggravation of the original injury, involving increased disability. Claimant was a prisoner for about four months, during which time he was in hospital at Handzame and Thourout in Belgium, and Giessen in Germany. He complains first that he received no treatment for sixteen days for his shattered thigh. He speaks of an operation at Handzame, under anæsthetic, but declares that the treatment, whatever it was, was improper. At Thourout, he accuses the attending surgeon of deliberate torture by twisting the wounded leg, declares that no splints or extensions were applied, but admits that finally, when this surgeon had been removed, apparently because of inefficiency, "they put a thing on my leg." Arrived at Giessen, the wound had healed and claimant was able to hobble about. He has no complaint as to his treatment here.

Claimant's statement, upon repatriation, which is of record, contrasts unfavourably with his testimony. In this statement, which he does not now recollect, he declares that he was well treated by the doctors. As to Thourout, he makes the same declaration and at Giessen the statement continues, "doctor here was very kind, owes his release to him." Claimant, in his testimony, remarks, "our doctors were unanimous it was the result of neglect; not only the doctors here, but the doctors in Rochester, Minnesota." There is not a scintilla of evidence in the record to substantiate this statement, nor has claimant made any attempt to establish this most important point. His unsupported testimony is certainly insufficient to prove it.

The medical record indicates that claimant received very particular attention for his injuries when he returned to Canada. Dr. F. B. Richardson, who appeared before the Commission, spoke of a very difficult and intricate operation he performed on claimant's leg in an attempt to regenerate the severed nerves, and claimant was also operated upon by Dr. Gallie, in an effort to reduce the shortening of the leg. He admits that the operation was partially successful. Dr. Richardson does not say that the condition of claimant's leg, as complainant would have us believe, indicated neglect and improper attention in the first place. It is difficult to establish months after an operation, that the original treatment was not proper and that the surgeon who performed it was guilty of malpractice, and it would require very specific and most convincing evidence to prove such a premise. Having regard to the conflict in claimant's story as told upon repatriation and his testimony given years later, I am clearly of opinion that he has completely failed to show that the medical attention given him was improper in the sense that it constitutes maltreatment as a prisoner of war. The claim, accordingly, fails and it must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 1924—EDWARD HENRY HYDE

The claimant was a Private in the 3rd Battalion,—Regimental number 9796. He enlisted in August, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, during the second Battle of Ypres, suffering from a shrapnel wound in the right arm and head and a machine gun wound in the left arm. He was repatriated to England November 25, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$10.00 per month, based on infected antrum. He was married September 5, 1924, and has one child. Prior to enlistment, he was employed as an electrician with the Hydro-Electric, earning about \$30.00 per week and since his discharge has been with the same company as clerk, earning \$35.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of inadequate and cruel medical attention, blows on the head causing permanent injury, starvation and exposure. The exposure aggravated the bronchitis and a nose injury is permanent.

An analysis of the evidence reveals:—

Claimant has no complaint as to his treatment in hospital for his wounds. Attached to Giessen camp, he was sent out on working parties. At a munitions factory claimant was beaten for refusing to work and asserts that he was stabbed in the arm with a bayonet. He was sent to Geisweid Iron Mines where he alleges the fumes from the furnaces have permanently injured his lungs. For an attempted escape, he was badly beaten, hit over the head with a stick, splitting the head open, which has impaired his hearing. Claimant carries a deformed ear which he says results from an operation necessitated by injuries received on the last mentioned occasion. He served 14 days dark cells on two occasions for attempted escapes. Upon recapture after his third attempt he was hit on the nose and jaw, fracturing both, for which injury he now received a pension. He was in hospital for two weeks and then got 14 days cells. Claimant is indefinite as to his present disabilities apart from the nose and jaw. He suggests possible tuberculosis in the jaw, bronchitis, nervousness, enlargement of the heart and loss of his teeth.

The medical record indicates that claimant has sustained an injury to his upper jaw on right side and fracture of nose, injury to skull above and involvement of left ear, and suffers from bronchitis, including damage to lungs. His percentage of disability is stated at 55 per cent in his own calling and at 100 per cent in the general labour market. Dr. F. E. Watts, who certifies to the foregoing, appeared before the Commission, and expresses the opinion that claimant's condition could result from the history of the case. He speaks of impaired hearing, which is definite, antrum trouble and weakened lungs. The nervous condition may be the result of claimant's experiences—at least Dr. Watts thinks so. Claimant's medical history files would not be favourable to any claim for general debility, but no such general claim is advanced.

On the whole, having regard to the features of physical injury in evidence, whereof claimant still bears the unmistakable marks, I am of opinion that claimant has proven the elements necessary to a finding in his favour. He has shown maltreatment followed by consequent disability. I would, accordingly, recommend a payment to him of \$700.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1925—GARNET F. GREGORY

The claimant was a Private in the 4th C.M.R.—Regimental number 113264. He enlisted in 1915 at the age of 19 years. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 18, 1918. He is not in receipt of a disability pension, and states that he does not intend to apply therefor. He was married on October 27, 1921, and has two children. Prior to enlistment, he was a conductor on the Toronto Street Railway, at a salary of \$120.00 per month, and since his discharge, has been a constable on the Toronto Police Force, at a salary of \$2,000.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of excessive work and exposure, unreasonable beatings when recaptured after attempts to escape, beatings and teeth knocked out from blows. He alleges that he has been put to heavy expense for dental work.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, as to which he has no complaints. Sent to the coal mines—K 47, for refusing to work, he was put in front of the coke ovens heavily clothed during the day and stood out in the cold at night without a coat, as a punishment. Claimant made a number of attempts to escape, all of which were unsuccessful. Upon recapture he was confined to cells and beaten, on one occasion losing two teeth. He also exhibits a scar on his shin which he says results from an injury received at this time. His identification marks on his attestation papers refer to a scar in the same position. Taxed with the discrepancy, he reaffirms that he had no scar on his shin upon enlistment. He complains chiefly of the expense he has incurred for dental treatment as a result of the loss of teeth above referred to. In other respects he appears to be in good health.

The medical record indicates that claimant has an old ulcer of the leg, recurrent, and the loss of teeth. His percentage of disability is stated at 10 per cent. Dr. F. S. Park, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, his last medical board upon discharge from the service declaring all systems normal.

It is significant that claimant did not bring forward more direct evidence from his dentist as to the condition of his mouth. The impression which he created was not entirely favourable, having regard chiefly to the alleged injury to his leg, and I would certainly require some greater corroboration before I could be convinced of the justness of his claim. Under the circumstances, without such corroboration, I am compelled to disallow the claim.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 9, 1931.

CASE 1926—JAMES HAZLETT

Claimant was a Private in the 3rd Battalion—Regimental number 9923. He enlisted in August, 1914, at the age of 44 years, although on enlistment he stated that he was 36. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He is not in receipt of pension, although his application to the Board has been favourably considered but the amount not yet assessed. It is based on chronic arthritis and nephritis. He was married at the time of enlistment and has 3 children. His wife is now deceased. Prior to enlistment, he was employed as a steel erector, earning

\$28.80 per week, and since discharge has worked as a labourer and had various occupations, at which his average weekly earnings amount to \$28.80 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of blows on the head, confinement to cells, exposure and general abuse.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp, via Roulers, where he remained for several months. For refusing to work he was hit with the butt of a rifle and knocked unconscious. At his next camp, Celle-lager, he was again beaten for the same reason and put in cells. His obstinacy in refusing to work, earned him further beatings at Saltau, with two periods of confinement to cells. An attempted escape, at Hameln, was unsuccessful and claimant did further time in cells. At Vehnemoor he was again beaten and put in cells for the same reason and was hit on the head with a stone. Complaint is made of exposure when claimant was drenched with water and compelled to remain soaked throughout the night. He suffers from stomach trouble, headaches and heart trouble, all of which he attributes to his experiences whilst a prisoner.

The medical record indicates that claimant suffers from combined sclerosis of cord, arteriosclerosis and hypertension, nephritis, osteo arthritis lower dorsal and lumbar and migraine. His percentage of disability is stated at 80 per cent. Dr. G. W. Lougheed, who certifies to the foregoing, did not appear before the Commission. It would appear from claimant's last medical board, upon discharge from the service, that all systems were found to be normal.

While claimant has a quite definite heart and spinal cord affection, I do not consider that this is necessarily to be attributed to his experiences as a prisoner of war. At his age, it is not unusual to find some hardening of the arteries and I would be inclined to say that this trouble did not originate in Germany. His remaining complaints, may or may not have resulted from his period of captivity. The evidence as to the headaches resulting from a blow on the head, is too vague to permit of a finding in claimant's favour. On the whole and viewing all the circumstances, I am of opinion that claimant has failed to make out a case of present disability resulting from maltreatment. His recourse, if any, is elsewhere. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 1927—DAVID PATRICK QUINN

Claimant was a Private in the 15th Battalion—Regimental number 27655. He enlisted in August, 1914, at the age of 25 years. He was taken prisoner April 24, 1915, at St. Julien during the second battle of Ypres, unwounded but slightly gased. He was repatriated to England December 22, 1918. He is in receipt of a 50 per cent disability pension, amounting to \$74.50 for himself and family, based on epilepsy. He was married May 14, 1919, and has four children. Prior to enlistment, he was a prospector earning about \$5 per day and since his discharge he has been doing odd jobs and labouring, averaging from \$3 to \$14 a day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of work for 3½ years in the salt mines under conditions of the greatest severity, to which he attributes epileptic attacks from which he still suffers.

An analysis of the evidence reveals:—

After a month at Gottingen camp, claimant was transferred to the salt-petre mines in East Prussia, where he remained for the duration of his captivity, compelled to work under conditions of the greatest severity. He does not complain of any particular acts of physical abuse, but stresses the long hours of labour below ground, with insufficient food and confinement to cells. He contends that a condition of epilepsy developed under this treatment, from which he still suffers with increased frequency and intensity.

The medical evidence is contained in claimant's pension file. There was some question as to whether the seizures are true epilepsy of the idiopathic type or are the result of organic brain disease, but the opinion is expressed that these seizures date from the time claimant was a prisoner of war. The Board of Pension Commissioners had disallowed the claim to pension on the ground that epilepsy did not result from military service. This finding was reversed by the Federal Appeal Board in 1927, upon the ground that epilepsy resulting in disability is attributable to military service.

The greater part of claimant's period of service was spent as a prisoner of war in the salt-petre mines. I think that it is a fair inference that the condition of epilepsy results from the harsh and abusive conditions which existed in the salt mines. I am convinced that, even though claimant may have had some predisposition to his malady, the condition was seriously aggravated, by his treatment in Germany. Having regard to the observations contained in Opinion annexed to my report herein, and bearing in mind the pension received by claimant, I consider that he has made out a case of maltreatment resulting in disability to him. I would, accordingly, recommend a payment to him of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 3, 1931.

Commissioner.

CASE 1928—CYRUS ROY HALL

The claimant was a Private in the 148th Battalion—in which he enlisted in December, 1915, but he subsequently transferred to the Royal Air Force, and was an officer at the time of capture. He was taken prisoner on June 13, 1918, while engaged in an offensive airplane patrol over Germany. He was repatriated to England December 13, 1918.

The claimant does not complain of maltreatment in the ordinary sense of the word, but alleges that he has a right to be reimbursed for the seizure of cash and personal effects by the enemy, and for the expenses to which he was put in the purchase of food and transportation whilst a prisoner.

The claim is unusual, being restricted solely to property loss. While technically, the captor is not entitled to take from a prisoner his private property, I cannot regard such action as "maltreatment" within the sense of the reparation provisions of the Treaty of Versailles. Claimant may be unfortunate, as a combatant, in losing this property, but I do not see that this Commission has any mission to make good these losses. Quite apart from these considerations, however, I find the evidence insufficient to support the claim. The claimant's unsupported statement, fortified only by references as to the property he had with him, from the statements of persons who knew him, does not constitute such proof as I can accept. In my opinion, the claim fails, and is, accordingly, disallowed.

ERROL M. McDOUGALL,

OTTAWA, November 27, 1931.

Commissioner.

CASE 1929—COLIN VICTOR EARLE

The claimant was a private in the 2nd Battalion—Regimental number 8205. He enlisted in August, 1914, at the age of 17 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded but slightly gassed. He was repatriated to England November 25, 1918. He is not in receipt of disability pension, but states that he has an application pending. He was married in 1921 and has two children. Prior to enlistment, he worked on the railroad in the summer and went to school in the winter, and since his discharge he has been in the employ of the Woods Manufacturing Company, at a salary of \$1,800 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of several beatings with rifle butts and bayonets and states he still has bayonet scars on his arms. He complains also that he was steamed for several hours in a steam room, also put into a cell which was not large enough to lie down in, his blankets and overcoat having been taken away from him. He alleges that he was refused medical treatment for an attack of rheumatism. He states that he suffers from back trouble, also acute rheumatism.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp and remained there, or at attached commandos, for the period of his captivity. His complaints of maltreatment relate to his experiences at the notorious Geisweid Iron Works. For refusing to work upon munitions, and persisting in such refusal, he was outrageously beaten with rifle butts, swords and even received the point of the bayonets. Unable to break down his determination not to work, claimant was thrown into a box-like cell and steam from the exhaust of a boiler forced into the room. While he was not burned by the steam, his power of resistance was seemingly broken and he consented to go to work, with, however, the intention to escape at the first opportunity. The opportunity arose shortly afterwards, and claimant though unfit to undertake so hazardous an enterprise, broke away in daylight. He was recaptured after fourteen days, in a state bordering upon delirium, taken at a farm, where his feet were frozen through exposure. He was brought back to Giessen a physical wreck and, far from receiving the medical attention which his condition demanded, was thrown into confinement barracks on bread and water. His condition was so pitiable that comrades interceded with Ambassador Gerard, of the United States, who was visiting the camp and some betterment in claimant's treatment was brought about. There is a letter in the file from Ambassador Gerard recalling the incident as one of extreme hardship, but he is, of course, unable to identify claimant as the prisoner he saw on that occasion. Claimant clearly became a marked man through his persistent refusal to work and was singled out for the most brutal of treatment. There is an abundance of corroboration in the record of the incidents related by claimant, statements of fellow prisoners, all of whom emphasize the fact that claimant was singled out for particular maltreatment. The story furnishes a striking picture of the length to which brutality and calculated cruelty could be carried.

The medical record indicates that claimant suffers from acute rheumatism, scoliosis, tenderness lumbar spine and sacral area with periodic attacks of lumbago. His percentage of disability is stated at from 10 per cent to 25 per cent. Dr. J. H. Alford, who certifies to the foregoing, appeared before the Commission and demonstrated from X-ray plates a quite definite injury to claimant's back which he describes as a lipping in the sacroiliac joint (where the spine joins the pelvis). He speaks of this condition as arthritic. Dr. Alford, from the history of the case, is of opinion that claimant's condition results from his experiences as a prisoner of war.

It seems unnecessary further to elaborate the case. I have not the slightest hesitation in finding that claimant suffers a present disability resulting from maltreatment whilst a prisoner of war. Were I to deal with the matter on a punitive basis, the award would be large, but as explained in Opinion annexed to the present report, this is not the basis upon which compensation is to be awarded. Viewing all the circumstances, I would recommend a payment to claimant of \$1,500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 2, 1931.

Commissioner.

CASE 1933—JOHN ALEXANDER PAGE

The claimant was a Private in the 3rd Battalion—Regimental Number 9867. He enlisted in August 1914 at the age of 31 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, slightly grazed by shrapnel on the head and suffering from gas. He was released to Holland May 2, 1918 and repatriated to England November 23, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$20.00 per month, based on chronic catarrhal otitis media. He was married at the time of enlistment and has two children. Prior to enlistment, he was employed as a bronze sprayer and gilder, earning up to \$45.00 per week, and he is now employed in the National Gallery of Canada, at a salary of \$1,680.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of enforced hard work in the stone quarries on bad and insufficient food. States that his ear injury is the result of being hit on the head while a prisoner. He now suffers with chest and ear trouble and stomach disorders.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen Camp, thence to a stone quarry. He has little to complain of as to physical abuse here but speaks of the work as very heavy. He sustained an injury to his ear which has resulted in impaired hearing, but is unable to say how this occurred. It first became noticeable in Holland. Claimant was next in an iron mine in Hanover and complains of the heavy labour. At another mine he suffered greatly from boils due to under nourishment. Claimant's story is confused; he does not appear to remember his experiences in Germany very clearly. He now complains chiefly of a stomach condition, which he has trouble in describing, but which he attributes to lack of food whilst a prisoner.

The medical record indicates that claimant suffers from bronchitis, defective hearing, indigestion, ears discharge with attack of coryza. His percentage of disability is stated at 100 per cent in his own calling and at 10 per cent in the general labour market. Dr. J. E. Craig, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show a catarrhal condition.

Claimant, in appearance, is very healthy and robust. On his own statement, his main disability would be his stomach condition. Clearly this is a nutritional origin. As explained in Opinion annexed to the present report, this condition cannot be regarded as the result of maltreatment. Claimant has failed to discharge the burden of showing that he suffers a present disability resulting from maltreatment whilst a prisoner of war. the claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 1934—FRANCIS MORIN

The claimant was a Private in the 28th Battalion—Regimental Number 73929. He enlisted in August 1914 but was attached to the strength of the 28th Battalion October 23, 1914. He was then 21 years of age. He was taken prisoner June 6, 1916, after the battle of St. Eloi, unwounded but badly shaken up by a mine explosion. He was repatriated to England November 30, 1918. He is in receipt of a 40 per cent disability pension based on tuberculosis and neurasthenia. He was married January 29, 1919, but is separated from his wife, and has no children. Prior to enlistment, he was employed as a reporter with R. G. Dun & Co., financial investigators, earning \$85.00 per month, and since his discharge, has held various positions, and is now with the Customs Department, at Ottawa, at a salary of \$130.00 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work 2½ years in the coal mines, excessive work, exposure and punishments. The explosion at the time of capture affected one of his ears and he is now quite deaf. In a letter written September 2, 1931, after his evidence had been taken, he submits that his deafness while probably caused by the explosion, was aggravated by tuberculosis.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen camp, where he remained for a few weeks, and was then sent to a coal mine at Boechum in Westphalia, where he appears to have remained for the duration of his captivity. He complains chiefly of the poor living conditions, hard work and exposure, and speaks of some physical abuse, though he declares this did him no permanent injury. To his experiences in this camp he attributes a tubercular condition, and declares that the injury to his ears became aggravated and has resulted in greater deafness than he would otherwise have had. His chest trouble first became apparent after repatriation to England.

The medical record indicates that claimant suffers from chronic pulmonary tuberculosis and complete deafness in left ear. His percentage of disability is stated at 50 per cent in his own calling and at 100 per cent in the general labour market. Dr. A. T. Shillington, who certifies to the foregoing, appeared before the Commission. He speaks of the tubercular condition as practically arrested now, and attributes the defective hearing to the original service injuries. There is nothing in the record to show that claimant's deafness is other than of recent development. Claimant's medical files suggest that the chest condition may have originated elsewhere than in Germany.

Claimant is undoubtedly disabled as a result of service, and I would have difficulty in finding that these disabilities are attributable to any maltreatment whilst a prisoner of war were it not that he was compelled to work in the coal mines for upwards of two years. He encountered rough treatment, and, I consider, has shown that he suffers permanent injury resulting therefrom. The general evidence as to the brutal conditions which prevailed in the coal mines creates a strong presumption of maltreatment, which is strengthened by claimant's testimony. Viewing all the circumstances, I would, accordingly, recommend a payment to claimant of \$800 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 8, 1931.

CASE 1935—MERTON EGBERT ELLSWORTH KITTREDGE

The claimant was a private in the 13th Battalion—Regimental number 25040. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, 1915, during the second Battle of Ypres, suffering from bullet wounds in the shoulder and head and a touch of gas. He escaped from Germany into Holland December 8, 1916, and was repatriated to England December 13 of that year. He is not in receipt of pension but has an application pending. He was married May 14, 1927, and has one child. Prior to enlistment, he was employed as a draughtsman, at \$100 per month, and is now employed with the Patents and Copyrights Branch of the Canadian Government, earning \$180 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect of his wounds, being compelled to work in munitions and cement factories and being beaten with rifle butts and stabbed with a bayonet while so employed. He inhaled considerable lime and cement dust causing nose and throat trouble. Served several periods of solitary confinement in punishment barracks, deprived of food parcels and compelled to stand at attention for long periods. Contracted trench feet due to their being frozen and received no medical attention. Developed stomach and bowel trouble due to the food and privation. He also suffers from nervous disorders and dental trouble.

An analysis of the evidence reveals:—

Claimant was first taken to Roulers, after receiving some medical attention at a dressing station. He received further medical attention at Roulers and was then sent by rail to Giessen camp, where he remained until June, 1915. For refusing to work in a munitions factory, he was beaten, struck with the butts of rifles and prodded with bayonet and was later compelled to work at a cement works where the hard work combined with the dust injured his nose and throat. He complains that he was struck in the face and sustained a broken nose upon two occasions. This occurred at Wetzlar. Claimant's chief complaint was that he was compelled to work when unfit to do so, suffering from numerous boils. During the summer of 1915 claimant made three unsuccessful attempts to escape, received the usual solitary confinement upon recapture and was finally successful, on his fourth attempt, in December, 1916, in getting across the Holland border. He complains that at Vordenermoor he received a blow on the chin from a guard and sustained injury to his feet as a result of cold and exposure. Upon repatriation claimant made a long statement, copy of which is of record. It is substantially in accord with the testimony given by claimant, but the actual physical abuse is not stressed to the same extent. He deals in detail with his four attempted escapes. As a result of these experiences claimant complains that he suffers from his shoulder and his feet, that his nerves are in bad condition, that his intestines and digestive tract are impaired, that he suffers from his nose and throat and has developed pyorrhea. He has also some impairment of hearing.

The medical record indicates that claimant suffers from rhinitis and pharyngitis recurring frequently, general nervous debility and gastro-intestinal distress and tender feet. His percentage of disability is stated at 70 per cent. Dr. G. O. Barclay, who certifies to the foregoing, appeared before the Commission and, in his opinion, claimant's main complaint is as to his nervous condition. He also speaks of the intestinal condition as debilitating. Dr. J. H. Alford also appeared before the Commission and stated that claimant suffers from mucous colitis, which is a condition of the large bowel. This condition, in Dr. Alford's opinion, constitutes claimant's chief disability. He is

inclined to ascribe this condition to malnutrition. He also speaks of suspected asthma, hay fever which is manifest under certain conditions and troubles claimant considerably. Claimant's medical history files indicate that he suffered from trench feet in April, 1915, that at the time of examination in 1917, there was nothing abnormal in his condition, apart from slight lameness due to trench feet.

Claimant has made a very complete case and is undoubtedly suffering disability, but the difficulty in this case is to determine whether this disability results from maltreatment at the hands of the enemy or is not more properly due to the strain and exposure which claimant underwent on his numerous attempts to escape, in which case the matter would be purely pensionable. I have carefully examined the evidence adduced as also the very long statement made by claimant upon repatriation and I am inclined to think the claimant's disabilities are not as serious as he would have us believe. In any event I have reached the conclusion that the disabilities of which he complains were not due to maltreatment whilst a prisoner of war. The claim must accordingly be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1936—J. GUY KINCH

The claimant was a private in the 26th Battalion—Regimental number 69495. Apparently under the misapprehension that this Commission was dealing with the cases of all returned soldiers, he filed a claim. He did not appear at the Halifax sessions of the Commission, and, it now develops that he was not a prisoner of war. This Commission has no authority to entertain the claim, and it is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 5, 1931.

CASE 1938—CARL FREDERICK HAMLIN

The claimant, born in Finland, in 1881, came to Canada over thirty years ago. He went back to Finland in 1914 and enlisted with the Russian Imperial Forces. He was taken prisoner by the Austrians, at Cracow, in November, 1914. When captured, he was stripped and made to stand three hours on a winter day, out of doors.

He was advised at the hearing held at Montreal May 21, 1931, that he could have no claim before this Commission because he was not a British subject during the war period and was not serving with a British unit when taken prisoner. Claimant filed a lengthy typewritten statement of his experiences, relating in detail the acts of maltreatment of which he complains.

Claimant alleges that he is now a British subject, but has not filed his naturalization certificate. As far as the record goes, he was not a British subject when the war broke out, nor did he serve in a British unit. I cannot see that this Commission has jurisdiction to entertain the claim. Moreover, there is nothing to corroborate the story told by claimant, nor is there any medical evidence establishing disability as a result of the treatment alleged to have been received. In these circumstances the claim fails, and must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 1946—C. F. DAVISON

The claimant was a Private, but does not name the Battalion with which he served. He has not completed the usual forms nor has he furnished any information as to his period of captivity, other than contained in a letter to the Commission dated February 25, 1931. It would appear, from this letter, that claimant does not intend to press the claim. The information furnished, at all events, would not indicate that he was subjected to such maltreatment, causing disability, as would entitle him to an award. In these circumstances, the claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1947—LORNE ALBERT HIGGS

The claimant was a Private in the 13th Battalion—Regimental number 46844. He enlisted in August, 1914, with the 7th Battalion, at Fernie, B.C., aged 23 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded. He escaped from Germany late in 1916, and was repatriated to England on November 18, 1916. He is not in receipt of pension, and has no intention of applying therefor. He is married and has six children. Prior to enlistment, he was a carpenter, earning about \$3 per day, and since his discharge, has resumed the same work, at the rate of 50 cents per hour.

Claimant has not completed the usual statement of claim, but complains generally, in his testimony, of lack of food and general conditions in Germany. He declares that he feels somewhat nervous as a result of his experiences whilst a prisoner.

Taken first to Roulers and then to Giessen, claimant has little to complain of, except as to the food. He appears to have spent time at Saltau, Lichtenhorst and Vordenmoor, but does not complain of any brutality or physical violence. He made several attempts to escape and was finally successful in November, 1916. He became a marked man, with rings painted on his uniform, but escaped beatings or brutality. He complains of hard work and insufficient food but declares that beatings could be avoided if the prisoners did what they were told.

There is no medical evidence of record. Claimant does not regard himself as disabled and speaks only of some nervousness.

Clearly, claimant has failed to make out a case of maltreatment whilst a prisoner of war, and he must be under a misapprehension in presenting a claim before this Commission. I have no hesitation in disallowing the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 1948—CHARLES SCARFE

The claimant was a Corporal in the Princess Patricia Canadian Light Infantry Battalion—Regimental number 77. He enlisted in August, 1914, coming to Canada from the United States to do so, at the age of 30 years. He was taken prisoner May 8, 1915, suffering with gunshot wound in the arm and gas. He was released to Switzerland in 1916 and was repatriated to England

March 25, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$15 per month, based on pleurisy. He was married August 28, 1918, and has no children. Prior to enlistment, he was employed as a steel worker earning \$30 per week, and since his discharge was employed by the Toronto street cleaning department at a wage of \$28.80 per week. Was unemployed for fifteen months on account of ill-health, and since July, 1928, has been employed by the C.P.R. as crossing watchman, at a wage of \$18 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work for fourteen months digging canals, in water to the waist. He was struck in the face with a rifle butt and lost ten teeth. Was subjected to many kicks and beatings and now suffers from chronic bronchitis and the loss of teeth.

An analysis of the evidence reveals:—

Claimant is an old soldier, having seen service in South Africa. Taken to Giessen camp he has no complaints of ill-treatment. Sent to the punishment camp, at Vehnemoor, he declares that his back teeth were broken by a blow from the butt of a rifle because he refused to work in rain. The recital of this occurrence is not very convincing and it is difficult to see how all his back teeth could be broken by such a blow. He alleges that he was made to work in water, digging canals and has contracted bronchitis, from which he still suffers. He complains also of being beaten at Ostenholzenmoor and became so ill that he was finally recommended for transfer to Switzerland and was released in 1916. He complains vaguely of some impairment to his hearing and towards the end of his statement also alleges that his nerves trouble him, but evidently never realized that he was so affected until he was told by the physicians at Christie Street Hospital that such was the case. Again claimant's testimony fails to carry conviction and the impression left was not favourable.

The medical record indicates that claimant suffers from chronic bronchitis and neurasthenia. His percentage of disability is stated at 100 per cent in his own calling and at 75 per cent in the general labour market. Dr. Paul M. O'Sullivan, who certifies to the foregoing, appeared before the Commission. He finds excessive nervousness as claimant's outstanding disability, wholly incapacitating him in his own line of work.

I am not convinced that claimant's present disabilities result from any maltreatment to which he was subjected whilst a prisoner of war. I would be more inclined to think that they result from service and are the natural accompaniment of advancing years. His powers of resistance were not such as to withstand the strain of general conditions during captivity. After very careful consideration I have reached the conclusion that the claim fails. It is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1949—JOHN CURTIS

Claimant was a signaller in the 4th C.M.R.—Regimental number 109290. He enlisted in September, 1914, at the age of 19 years. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England January 12, 1919. He is in receipt of a 100 per cent disability pension amounting to \$100 per month, based on tuberculosis. He was married October 10, 1922, and has no children. Prior to enlistment, he was an apprentice electrician, earning about \$10 per week, and after discharge was an automobile mechanic, earning \$30 per week, but finally had to give up all work on account of his health.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in the coal mines where he received several beatings and was badly undernourished. As a result of this work, on starvation diet and under poor living conditions generally he developed tuberculosis, and is now permanently disabled.

An analysis of the evidence reveals:—

Claimant is one* of those unfortunates who went through the coals mines in Germany, with the result that his health has been completely wrecked. He is in a pitiable condition and came before the Commission in a wheel chair, completely paralyzed and suffering from advanced tuberculosis of the lungs. Previous to his entry into the Augusta-Victoria coal mines—K-47—he was at Dulmen, where the treatment was fair. In the mines, he was beaten and made to work long hours when unwell. When rifle butts were not available, below ground, clubs and mining lamps were used to abuse the prisoners. This went on daily. Claimant lost his voice, reported sick, and for medical treatment was kicked by the doctor. He states that the mines were most unsanitary and that he was constantly inhaling coal dust. He injured his leg, which became septic, was sent to hospital and treated by a Canadian medical man as best he could. Sent to Munster and Parchim, the treatment, though rough, was not as bad as in the mines. He worked in a bush near Crefeld, and was also beaten because he could not work fast enough. From a farm he attempted to escape, was recaptured and made to serve 35 days in dark cells as a mark of special vindictiveness on the part of the officer in charge. The story is one long recital of cruelty and brutality under which it is not surprising that claimant's health was broken, with the evident results that his appearance now attests.

The medical record indicates that claimant suffers from "pulmonary tuberculosis following miner's phthisis." His percentage of disability is rated at 100 per cent. Dr. Gordon W. Armstrong, who certifies to the foregoing, appeared before the Commission and emphasized the seriousness of claimant's condition and attributes the origin of the disease directly to claimant's experiences in Germany. He cannot explain the condition of paralysis of the legs, which may possibly be tubercular neuritis. His opinion is, however, quite definite that claimant's present condition is of service origin.

On these facts, and with this evidence before me, I have no hesitation in finding that claimant was subjected to maltreatment whilst a prisoner of war which has resulted in irreparable and permanent disability to him and is entitled to an award. Viewing all the circumstances, and taking into consideration the pension which claimant receives, I would recommend a payment to him of \$2,000 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 1952—JOHN BRATTEN PETERS

The claimant was an Imperial soldier, being a private in the Buffs—East Kent Regiment—Regimental number G/20164. He came to Canada to reside in 1908, and returned to England on a visit in October, 1914. He enlisted April 17, 1915, at the age of 33 years. He was taken prisoner November 30, 1917, at Gonnellieu, France, wounded below the knee. He was repatriated to England in December, 1918. He was granted pension for the wounded right knee on December 11, 1919, amounting to £5-6s. This was discontinued December 24, 1921. He is unmarried. Prior to enlistment, he was employed as a farmer,

earning about \$25 per month, and since his discharge has held various positions and is now employed at a salesman, on a commission basis.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical attention for his wound after capture with the result that his foot became infected, hard labour, inoculations and general abuse.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for a little over a year, part of the time in hospital. While his wound was dressed at Julich, after capture, he complains that the attention was poor, but does not specify in what manner it was deficient. He was taken to Giessen, where he complains of inoculations and failure to attend to an infected toe from which he was suffering. Removed to Meschede, he complains of the use of paper bandages and poor treatment. His statement is somewhat confused, but it would appear that he was next sent to a farm and then to the Huesten Iron Foundry, where he met with an accident, falling into a hole, and injured his knee (which had been wounded). He seems to have returned to Giessen, suffering from his knee, and was made to work, but admits that he received some treatment. He was then sent to an officers' camp at Frankfort, and points to this fact as an acknowledgment that he was injured. Apart from some disability to the knee (accidental in origin) claimant speaks of "internal trouble."

The medical record indicates a number of ailments—indigestion, low blood pressure, varicocele, haemorrhoids, constipation, neurasthenia and general fatigue. This information is furnished in certificates of Dr. V. Stanley Kaufman and Dr. T. H. Prost. Claimant's medical history files refer to the injured knee and speak of some deafness, which was of service or pre-war origin.

I do not think it can be said that the disabled condition of claimant's knee is attributable to maltreatment by his captors. It was accidental in origin. Claimant's remaining maladies are so general in nature,—some of them at least consistent with his age,—that I do not consider I would be justified in finding that they are the result of any maltreatment whilst a prisoner of war. Claimant's recourse, if any, would be before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 1953—LEONARD L. LING

The claimant was a Private in the 15th Battalion—Regimental number 27221. He enlisted in August, 1914, at the age of 27 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a bullet wound in the left shoulder. He was repatriated to England December 24, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$19.50 per month for himself and family, based on constitutional psychopathic inferior neurosis and sciatica. He was married April 25, 1921, and has two children. Prior to enlistment, he was employed in a tin factory earning about \$15.00 per week, and since his discharge he has been employed as a messenger with the Canadian Bank of Commerce, at a salary ranging from \$800.00 to \$1,150.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work for 3½ years in the salt mines where he received numerous blows and beatings with bayonets, fists and rifle butts, and has developed nervous trouble and sciatica as a result.

An analysis of the evidence reveals:—

Claimant was one of the unfortunate prisoners who served over three years in the salt mines in Germany. Apart from a few months spent at Gottingen after his capture, and in regard to which he has no complaints, the rest of his period of captivity was spent in the Salsted salt mines under familiar conditions of excessive work and frequent beatings. He speaks generally of his treatment and does not detail the various incidents of brutality to which he was subjected. He complains that his nerves have been seriously affected and that his eyesight has been impaired.

The medical record indicates that claimant has become prematurely grey and is nervous, noises disturb him and he becomes quite shaky at times. No percentage of disability is stated. Dr. G. L. Chambers appeared before the Commission and testified to the extreme nervousness of claimant, the reflexes being much exaggerated. He is unable to attribute this condition to any cause. The medical history files show that claimant is in receipt of pension for the reasons noted.

The evidence in support of maltreatment is not very full, but I am inclined to think claimant was reluctant to enter into full details of his experiences. We have abundant testimony of conditions in the salt mines, and as explained in Opinion annexed to the present report, almost every prisoner who underwent captivity in these mines bears the marks of his treatment. I am of opinion that claimant's contention that his health was injured by the treatment given him in the salt mines has been proven. I would, accordingly, recommend a payment to him of \$600.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 1954—ROBERT ELMER STEWART

The claimant was a Sergeant in the 13th Battalion—Regimental number 24177. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, 1915, at Ypres, suffering from gunshot wounds in the chest and left shoulder, and gas. He was released to Holland, where he remained for six months, when he was repatriated to England December 18, 1918. He is in receipt of a 10 per cent disability pension, based on his injured shoulder, which amounts to \$16.00 per month. He was married January 9, 1920, and has three children. Prior to enlistment, he was employed as a driver boss with a coal company in Fernie, B.C., at \$3.50 per day, and since his discharge he was employed as a landscape gardener, at \$100.00 per month for one year, and subsequently as a contract miner, at an average wage of \$1,400.00 per year.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that when first taken prisoner he was struck in the forearm and head while marching through German reservists, and that the forearm was left with two bones protruding for a long time. The arm still pains him while at work. His subsequent treatment was not especially severe.

An analysis of the evidence reveals:—

Claimant was quite badly wounded when captured. He had lain on the field of battle, unconscious, for some time. Partially regaining consciousness he attempted to reach our own lines but was intercepted by a German Patrol. While being led through a column of German reservists he was struck down

with a blow on the head with the butt of a rifle. He was also struck on the forearm, breaking the bone, and complains that he still suffers from this injury, as also from the head injury received at that time. Claimant was taken to three dressing stations, but only received a field dressing after some time, when the German wounded had been attended to. Passing through Staden hospital, in Belgium, claimant reached Giessen camp and also spent time at Saltau, Lichtenhorst and Graftenedering (sic). He has no complaints as to these various camps and confines his claim for reparations to the incidents above related which immediately followed his capture. Claimant declares that men who behaved themselves properly were not knocked about but that when they looked for trouble they got it. Claimant receives a pension for his shoulder disability, but contends that his head and arm injuries were due to deliberate acts of maltreatment for which he has received no compensation.

While the medical record indicates quite clearly an injury to the forearm which has resulted in neuritis of the radial nerve, claimant's medical files show quite a different state of affairs. He never complained of the condition of his arm and it appears that he has been constantly employed and in fact has acquired quite a reputation as a wrestler. This he could hardly do with the arm disability of which he complains. His percentage of disability is stated at the modest figure of 10 per cent. No medical testimony was adduced.

There seems to be little doubt that claimant did not put forward a bona fide case. His statement of injury to his arm, with resultant disability is entirely discredited by his medical files. In these circumstances, the claim must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 2, 1931.

Commissioner.

CASE 1955—PERCY R. WHITE (deceased)

The deceased was a Captain in the Royal Flying Corps. He enlisted in March 1915, and was seconded to the Royal Flying Corps October 4, 1917. He was 32 years of age at the time of enlistment and was married, with one child, now of age. He died of cancer of the bowel, July 24, 1921, survived by his widow and child.

The claim is now made by the widow, Florence Georgina White, who is in receipt of a 100 per cent pension amounting to \$66.67 per month. Capt. White was taken prisoner May 16, 1918, having been shot down while flying behind the enemy lines. He is reported to have been wounded in the right thigh and leg and a shot through the left wrist, at the time of capture. He was repatriated to England December 27, 1918. In applying for a pension for the cancer of the bowel it was alleged on his behalf that at the time of the crash of the aeroplane he received a severe blow in the right side from which he suffered pain continually and due to this and the bad food given him while a prisoner, he developed the cancer. It is now alleged in support of the claim for maltreatment, that a guard struck him with a rifle in the right side while he was held prisoner awaiting transfer to a prison camp on an island in the Baltic Sea. This statement is contained in an affidavit by the son of the deceased, dated in California, February 5, 1931. Prior to the war the deceased was an Assistant Lighthouse Inspector with the Department of Marine, at a salary of \$1,650.00 per annum. After his return to Canada, he was continually ill until the time of his death.

An examination of the Soldiers Civil Re-establishment file relating to Captain White was made and the result of this indicated that the Pension authorities decided that he cancer was attributable to war causes, but apart from a reference to the bad food, there was no evidence of maltreatment.

The weight of the evidence tends to show that the cancer which developed resulted from injuries received on service, if indeed that was the cause. The mere statement of witnesses that the late Captain White declared he had been struck in the side by a guard, does not and cannot establish that fact. Even were it so, I am of opinion that the claim would be personal to the deceased and could not be transmitted to his widow. Her claim has been dealt with by the Board of Pension Commissioners, and I am without right in making an award in this case. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 1956—FRANK J. MUNRO

The claimant was a Private in the 28th Battalion—Regimental number 438024. He enlisted on December 18, 1914 at the age of 18 years. He was taken prisoner June 6, 1916, unwounded. He was repatriated to England November 30, 1918. He is not in receipt of pension, and states that he does not intend to apply therefor. He married on March 16, 1920 and has two children. Prior to enlistment, he was employed as a Fireman, at \$100.00 per month, and is now temporarily employed as a salesman of plants and flowers, on a commission basis, from which he derives an income averaging \$16.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was stabbed in the leg for evading work, and was denied medical attention for this and other injuries.

An analysis of the evidence reveals:—

Claimant complains chiefly of his treatment at a coal mine apparently connected with Dulmen camp. He declares that, for shirking work, he was bayoneted four times in the calf of the leg by the German sentry, but no disability appears to have resulted from this injury. On another occasion his foot was accidentally injured by a coal waggon, and though troubling him he was refused medical attention and sent back to work. Again, he was beaten by a civilian blacksmith for accidentally dropping a hammer upon him. Claimant got a steel sliver in his finger and complains of the lancing he received when the arm swelled. As a result of these experiences, he complains of his stomach, his eyesight and that he limps slightly.

The medical record is very inadequate. Claimant files a certificate of Dr. W. C. Acheson, which merely states that there are 4 scars on claimant's leg which may have been caused as related by claimant. It is perhaps significant to note that one of the identification marks shown on claimant's attestation paper is a scar on the left leg, two inches long. The remainder of the certificate states the history given Dr. Acheson by claimant. The last medical board received by claimant does not show any disability.

In this state of the record there is nothing to substantiate the claim for reparations. Claimant has failed to establish a disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 9, 1931.

CASE 1957—WILLIAM MAY

The claimant was a Sapper with the Canadian Engineers—Regimental number 503466. He enlisted November 27, 1915, at the age or 33 years. He was taken prisoner June 7, 1916, at St. Pierre Wood, unwounded. He was repatriated to England December 10, 1918. He is in receipt of a 75 per cent disability pension, amounting to \$75 per month for himself and his wife, based on neurasthenia. He was married December 8, 1918, and has no children. Prior to enlistment, he was employed as a miner, earning about \$4 per day, and since his discharge was employed for a time at \$90 per month, but for the past three years has been unable to work owing to the condition of his health.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being confined to cells on bread and water for five days and forced to sleep on the floor without blankets or great-coat at Harvest-Vorsten. At Westerholt camp, where he worked in the mines, conditions were terrible, the latrines close to living quarters never cleaned and piled high with filth the stench being terrible. The quarters or barracks were overcrowded, had only one door and were dirty and unendurable. Two hundred and twenty-two men lived here and they were called out at midnight for roll call and paraded for two or three hours. The last man out of barracks was generally beaten with rifle butts. They were forced to stand at attention, only partially dressed, and often in the rain. Beatings with a rubber hose were common. He was given 54 days punishment on account of attempted escapes by others. Was troubled with boils on his knees, but was compelled to crawl to work in the mine tunnels, which aggravated these. One leg became so swollen he had to drag it along. Was forced to work 8 hours per day while in this condition getting only two days off during the whole time. Claims that his lungs and heart have become affected as a result of these conditions and was finally placed in hospital.

An analysis of the evidence reveals:—

Claimant's testimony bears out the foregoing summary of his statement of claim. There is filed of record statement made by claimant upon repatriation, describing in detail his experiences, which is substantially in accord with his testimony.

The medical record is contained in claimant's pension file which shows that he suffers from disordered action of the heart, which is declared to have resulted from general service conditions, "place of origin, Germany". The heart condition claimant attributes to pneumonia for which he was in hospital in Germany.

I was at the outset inclined to view this case as one purely for the Board of Pension Commissioners, but after very careful examination of the evidence, I have reached the conclusion that the arduous labour imposed upon claimant whilst a prisoner in Germany and working in coal mines, having regard to his then physical condition, was unjustified and constitutes maltreatment in the sense of the reparation provisions of the Treaty of Versailles. Disability has followed from such treatment and it results, therefore, that claimant has successfully made out a case before this Commission. I would recommend a payment to claimant of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL

Commissioner.

OTTAWA, December 1, 1931.

CASE 1958—JOHN L. DAVIS

The claimant was a Private in the 3rd Battalion—Regimental number 18036. He enlisted in August, 1914, at the age of 28 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, although he had been buried by shell fire and was suffering from a touch of gas. He escaped January 20, 1918, and was repatriated to England March 1, 1918. He is in receipt of a 50 per cent disability pension, amounting to \$69.50 for himself and family, based on anxiety neurosis. He married a widow October 2, 1918, and has three children. Prior to enlistment, he was employed as a fireman with the City of Edmonton, at \$2.50 per day, and since his discharge has been employed in the City of Edmonton Power House, at an average salary of \$110 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings with rifle butts, heavy labour, punishments and general abuse.

An analysis of the evidence reveals:—

Claimant was first sent to Giessen camp. On a working party, at Deutz, he was beaten by the guards for not working as they desired. At Soltau he was also roughly used for minor breaches of discipline. He complains, at Hestemoor, of being stood to attention while he underwent "sword exercises", which consisted in having a sword whirled about the head and body. At a farm out of Hestemoor, he got into an altercation with a French prisoner who reported him for having hidden potatoes, and was severely punished. Again, at Soltau, he was beaten by the guards. From barracks at this camp claimant finally made good his escape. He declares that as a result of his experiences whilst a prisoner he suffers from severe neurosis. It is for this ailment that claimant receives a pension.

The medical record indicates that claimant suffers from severe psycho-neurosis. Dr. H. H. Hepburn, who furnishes the foregoing information, states it is his opinion that this condition was caused by hardships suffered while a prisoner of war. He did not appear before the Commission, and without the reasons which base this opinion, I consider that it must remain merely an opinion.

The medical history files bear out the finding as to claimant's present condition, but I remain unconvinced that claimant's experiences as a prisoner have necessarily resulted in his now impaired state of health. I regard this case as one wholly for the consideration of the Board of Pension Commissioners. In the absence of further evidence, I must, accordingly, disallow the claim.

ERROL M. McDOUGALL

OTTAWA, December 10, 1931.

Commissioner.

CASE 1959—JAMES WALLS

The claimant was a Private in the 9th Canadian Mounted Rifles—regimental number 114887. He enlisted December 20, 1914, at the age of 19 years. He was taken prisoner August 16, 1918, unwounded. He was repatriated to England December 1, 1918. He is not in receipt of pension but intends making application therefor. He was married March 9, 1920, and has 4 children. Prior to enlistment, he was employed as a farm labourer, and since his discharge was employed as a labourer at 45 cents per hour, at irregular work until May, 1930, when he got a position with the Post Office Department paying him \$85 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being struck in the head and knocked to the ground, causing some deafness in the right ear, severe headaches and nervous trouble, and of being beaten on other occasions.

An analysis of the evidence reveals:—

Claimant was a prisoner of war for about 3½ months, which period he would appear to have spent at Hameln and Dulmen camps. He complains of being beaten on one occasion for failing to give his number in German, and speaks of the unfairness of this action in his "run down condition," though he does not make it clear how or why he should be run down so soon after capture, since he was unwounded and had not been gassed when taken. He was again beaten on Armistice morning for refusing to continue working. When he was captured he declares that he was knocked to the ground with the butt of a rifle. Whether this occurred after he had been taken prisoner is not explained. The evidence is very general, but claimant avers that these experiences have affected his heart and it is upon this basis, as also on the ground of slight deafness, attributed to the beatings he received, that the claim is advanced.

There is no medical evidence to substantiate claimant's contention of impaired health due to maltreatment.

Claimant appears to be under the misapprehension, common to many claimants, that the mere fact of imprisonment, with some rough treatment entitles him to an award. As explained in Opinion annexed to the present report, this Commission has no mission to award punitive damages—its assessments must be limited to actual damage resulting from acts of maltreatment. Claimant has completely failed to make out such a case, and his claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 9, 1931.

CASE 1961—JAMES CUBERT D'AOUST

The claimant was a gunner in the 25th Battery—Regimental number 89324. He enlisted in March, 1915, at the age of 31 years. He was taken prisoner on June 3, 1916, suffering from shrapnel wound in the right hand. He was repatriated to England on December 9, 1916. He is in receipt of disability pension, amounting to \$40 per month, including allowance for his wife, based on "gunshot wound right hand, nerve deafness." Prior to enlistment, he was a railroad fireman, averaging \$100 per month, and since his discharge has been a permanent Civil Servant, at a salary of \$1,380 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He contends that by reason of inadequate and poor medical attention his hand is more disabled than it would otherwise have been.

An analysis of the evidence reveals:—

Claimant confines his complaint to lack of proper medical attention to his wounded hand. From the evidence, it appears that he did receive medical attention, that he was advised to have the hand amputated, that he refused the operation and that the doctors then gave him such treatment as they could. I am advised that this treatment was probably quite proper. In statement made upon repatriation, claimant declares that his wounds were dressed almost daily and has no complaint to make of his treatment.

This case should not have been advanced before this Commission. Claimant has failed to show any maltreatment whilst a prisoner of war—on the contrary he appears to have been particularly fortunate. Whatever disability he may suffer is entirely a matter for the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 1963—SAMUEL RAMSDEN

The claimant was a private in the 29th Battalion—Regimental number 76013. He enlisted February 27, 1915 at the age of 26 years. He was taken prisoner April 19, 1916, at St. Eloi slightly wounded in the left instep. He was repatriated to England November 25, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$16 per month, based on neurasthenia and synovitis. He was married January 25, 1919 and has five children. Prior to enlistment, he was working in a sawmill at \$90 per month, and since his discharge he was employed as a millwright's helper, at \$1,400 per year, and is now with the post office, at a salary of \$1,500 per annum. His pre-war employment as sawyer's helper now pays about \$150 per month, but he is unable to do that work owing to his condition.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that without provocation he was severely beaten and kicked by prison guards and was knocked down with a rifle butt, his teeth knocked out, his chin split open and was placed in a cell till the following morning without water or medical attention; was badly starved and had parcels withheld and had to sleep in a room with 12 or more prisoners with an open latrine close to his bunk. Though declared by the prison doctor only fit for light work, he was placed in an iron foundry at the heaviest work, loading iron ore and working around blast furnaces. Had to work two 24-hour shifts in six days. Was confined to the dark cells for attempting to escape. He now suffers from nervous debility and will have to use artificial teeth, both lower and upper for the rest of his life.

An analysis of the evidence reveals:—

The foregoing summary of claimant's case, taken from the statement of claim, is substantiated by claimant's testimony and the evidence of fellow prisoners. Attached to Giessen camp for the greater part of his captivity and sent out upon working parties, claimant made four unsuccessful attempts to escape and, in addition to the usual punishment of solitary confinement, was beaten. In particular, at Stoudt, this informal manner of administering punishment went to extreme limits. Hit in the face, claimant was knocked down and rendered unconscious. Later at Wurgess, (sic) while attempting to defend himself from an assault by a guard, he seized the rifle of the guard, wrested it from his hands and was then set upon by the sentries with rifles. He had his chin cut open and several teeth knocked out. This incident is corroborated by several witnesses. It is unnecessary further to detail the treatment received by claimant. His attempts to escape were clearly visited with punishment which went beyond reasonable bounds.

The medical record indicates that claimant suffers from nervous debility, loss of weight and chronic gastritis. His percentage of disability is stated at 25 per cent. The medical history files show that claimant suffers from neurasthenia and synovitis for which ailments he is in receipt of pension. The certificate of Dr. A. R. Baker, dentist, has been filed, establishing extensive damage to claimant's mouth. Dr. Baker certifies to the good condition of claimant's

teeth before the war, and to the shocking condition in which he found them upon re-examination after the war. The upper teeth had all been extracted and on the right side considerable alveolar process had been broken away. The lower teeth had all been extracted but eight had not been replaced.

Quite apart from the condition in respect of which claimant receives a pension, I am of opinion that claimant was subjected to maltreatment whilst a prisoner of war which has resulted in disability to him. In particular I base this finding upon the condition of claimant's mouth, which is shown to have been due to blows received from German guards. Having regard to all the circumstances, and the general observations contained in Opinion annexed to the present report, I would recommend a payment to claimant of \$1,000.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 1964—ARTHUR STANLEY HERBER

This claimant was a Private in the 13th Battalion—Regimental number 24101. He enlisted September 23, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, in the gas attack at St. Julien, suffering from a gunshot wound in the right shoulder, and gas. He was released to Holland and repatriated to England February 7, 1916. He is in receipt of pension, amounting to \$30.00 per month for himself, his wife and children, and a dependent mother, based on limitation of movement, loss of power, and pain in the right shoulder, excision of the head of humerus, G.S.W. (France). Prior to enlistment, he was employed as a journeyman, having just finished his apprenticeship in making and repairing tobacco pipes, at \$15.00 per week, and since his discharge has returned to this employment, earning \$35.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which had resulted in pecuniary damage to him. He complains of inadequate medical or surgical treatment of his wound after capture, resulting in loss of function of his right arm and shoulder.

An analysis of the evidence reveals:—

Claimant did not complete the usual form of statement of claim, but was heard before the Commission in Vancouver. When captured he had severe gunshot wounds in the right shoulder. He was in hospital at Cologne, and, while he complains of the inadequate medical treatment he received, he is unable to point out the deficiency. From Cologne hospital he was sent to Stendal camp, where he complains of being chased by police dogs evidently employed to prevent the escape of prisoners. He apparently sustained no injury on this occasion. Claimant was operated upon in Germany and a small piece of bone removed. He was again operated upon in England at the Queen Alexandra Military Hospital.

The only medical evidence of record is contained in claimant's medical history sheets, appearing on his pension file. These indicate impaired function of the right arm causing disability.

In these circumstances, it is impossible to find that claimant suffers any disability as the result of maltreatment whilst a prisoner of war. There is nothing in the record to substantiate the claim that had proper medical attention been given him, claimant's arm would have been less disabled. The claim must, accordingly be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 1966—JOHN DAVID LIVINGSTONE

The claimant was a private in the 3rd C.M.R.—Regimental number 108346. He enlisted December 29, 1914, at the age of 19 years. He was taken prisoner June 2/3, 1916, at the battle of Mount Sorrel, unwounded. He was repatriated to England December 8, 1918. He is not in receipt of pension. He was married May 15, 1926, and has two children. Prior to enlistment, he did farm work at from \$30.00 to \$40.00 per month, and since his discharge, was employed as a truck driver at \$20.00 per week, and driving a taxi, on commission.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was struck with butts of rifles and hit in the mouth several times, but is unable to detail any specific instances of brutality. He states that he suffers from heart trouble and stomach disorders as a result of his internment.

An analysis of the evidence reveals:—

Claimant spent some time at Dulmen camp, but for the greater part of his period of captivity was employed at bridge construction on the Rhine near Coblenz. His complaints as to maltreatment are quite general; he speaks of being “knocked around” but admits that these incidents were not marked with any particular brutality, and have left no disability. He complains that he has suffered, and still suffers greatly from his stomach and heart and is unable to follow any continuous employment.

The medical record indicates that claimant suffers from “heart trouble—periodic attacks of palpitation, accompanied by dyspnoea.” No percentage of disability is stated in the certificate. The only remaining information is contained in claimant's medical history files, which disclose, inferentially, that claimant's present condition is not in any way connected with his treatment whilst a prisoner of war.

In these circumstances, I am compelled to hold that claimant has wholly failed to substantiate his claim of maltreatment while a prisoner of war with resultant disability. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 9, 1931.

CASE 1967—GEORGE ALEXANDER McGEE

The claimant was a Private in the 87th Battalion—Regimental number 304464. He enlisted November 29, 1915, at the age of 21 years. He was taken prisoner August 15, 1917, suffering from gas and an infected arm, cut on the barbed wire when captured. He was repatriated to England December 3, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$21 per month, based on valvular disease of the heart and Tonsillitis. The claimant is a widower with two children both minors. Prior to enlistment, he was employed as a clerk on railway construction earning \$65 per month, and is now employed by the City of Toronto, Assessment Department, at a salary of \$1,700 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of abuse, beatings with rifle butts and solitary confinement.

An analysis of the evidence reveals:—

During the first ten days of his period of captivity, claimant was compelled to submit to a series of inoculations. He was taken to Dulmen camp where

he was beaten for stealing potatoes. He escaped being sent to the salt mines owing to a rash which broke out on his body. Claimant was attached to Munster camp and was one of the first victims of the "flu" epidemic which broke out in 1918. Although running a temperature, he was compelled to work and was so weak that he fell several times, on one occasion whilst wheeling a wheelbarrow, injuring his ankle. Accused of malingering, he was frequently beaten. For an attempted escape in May, 1918, he was confined to cells and beaten by the guard. To these experiences he attributes a weakened heart condition, bronchitis, rhinitis, involving general weakness.

The medical record indicates that claimant suffers from rhinitis, chronic bronchitis, lack of thyroid secretion and chronic headache. His percentage of disability is stated at 25 per cent. Dr. A. J. Harrington, who certifies to the foregoing, appeared before the Commission. He has known claimant since birth, considered him in good health when he went overseas and found his condition greatly impaired upon his return, but has noted some improvement since. His evidence is quite general.

It is clear that claimant has suffered some impairment to his health, but I am unable to find in the record the necessary connection between his present condition and maltreatment whilst a prisoner. The experiences which claimant underwent were common to all prisoners and while he was roughly treated, it does not follow that his general health was permanently impaired as a consequence. He was a prisoner for about 18 months only, and, in the absence of more convincing evidence, I would consider his disabilities to be of service origin. His claim is, in my opinion, one for the consideration of the Board of Pensions Commissioners. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 1970—JAMES MORTON VALENTINE

The claimant was born in the United States. He enlisted in the Royal Flying Corps in Toronto in June, 1917, at the age of 21 years and was sent to the Royal Air Force (Imperial) in December, 1917. He was taken prisoner August 25, 1918, his plane being brought down in an air raid over Germany, at which time he held the rank of Lieutenant. At the time of capture he was suffering from a machine gun bullet wound through the left ankle. He was repatriated to England December 18, 1918. He is in receipt of a 70 per cent disability pension of £147 per annum based upon "amputation left leg, ankylosis left knee, arthritis left wrist and little finger." Prior to enlistment, he was at college, and since his discharge has been in the employ of Southam Press Limited, Montreal, at a salary of \$58.50 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of initial attention to his wound. He states that he received no attention for three days and that during that period infection and gangrene developed, as a result of which his leg had to be amputated below the knee.

An analysis of the evidence reveals:—

Claimant was taken to Zabern Hospital where he received no medical attention until the Monday following his capture, which would be four days. The wound in his ankle had then progressed to such a point that gangrene had set in and it became necessary to amputate the leg below the knee. This was only done three weeks or more after he had been captured. Through further lack of medical attention the knee became ankylosed. From his statement,

several operations were necessary as the infection advanced. Claimant confines his claim to this lack of medical attention and asserts, on the strength of statements made to him by British surgeons, that had his leg been properly attended to in the first place, it would not have been necessary to amputate it. Disability to his knee as a result of the gangrene poisoning constitutes a further disability.

Claimants's medical files are quite complete and indicate the amputation of the leg, the ankylosis of the left knee and arthritis of the left wrist and little finger. It would appear also from the medical reports on file that the wound had not been properly cared for in the first place, the entry reading as follows:—

Gunshot wound in left leg, bullet in ankle, being removed 4 days later, leg and foot being put up in a splint. Suppuration occurred and pus tracked up, amputation for gangrene was performed in middle of $\frac{1}{3}$ of leg in September. The ends of fibula and tibia protruded through the wound on arrival in U.K. Incisions for drainage have been made in thigh.

This entry brings some corroboration to the statement made by Plaintiff that his wounds were not properly treated.

In these circumstances, I see no reason to doubt the statements made by claimant as to the treatment which he received while wounded in German hospitals, and I am of opinion that this testimony reveals gross neglect on the part of the medical authorities which has resulted in disability. It is perhaps not possible to say whether he would have lost his leg in any event, but it does appear from the evidence that the condition of the knee joint is directly attributable to the neglect referred to. I consider, therefore, that claimant has made out a case of present disability resulting from maltreatment whilst a prisoner of war and would, accordingly, recommend payment to him of \$1,000, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 1971—HARRY THOMAS TANDY

The claimant was a private in the 5th C.M.R. Regimental number 415329. He enlisted August 3, 1915 (with the 140th Battalion) at the age of 18 years. He was taken prisoner June 2, 1916, at Sanctuary Wood, suffering from gunshot wounds in the side, back and neck. He was repatriated to England on January 1, 1919. He is in receipt of a 10 per cent disability pension, based on gunshot wounds in chest. Claimant was married December 30, 1930. Prior to enlistment, he was engaged in general labour, earning about \$2 per day, and since his discharge has been occasionally employed but has done nothing for two years.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of heavy labour in sugar factories and in salt mines, beatings by guards with rifle butts, inadequate food and that he was made to work when ill.

An analysis of the evidence reveals:—

Claimant was first taken to Courtrai, in Belgium, sent then to Hanover and Celle-lager. He declares that he received no medical attention for his wounds and was sent out to work in a sugar factory before his wounds had healed. Sent to Hameln, he was further compelled to work and was then transferred to the salt mines at Graslleben, where the work was heavy and beatings frequent. He relates an incident of being beaten in barracks for protesting at

the beating other prisoners were receiving because they would not work, after the date of the Armistice. A fellow prisoner has filed a letter corroborating this fact. Claimant spent about 18 months in the salt mines. He complains of his legs, eyesight and chest as major disablements.

The medical record is restricted to the production of a certificate of Dr. K. A. Mackenzie, which is not very legible. It would appear that claimant has a chest condition, suffers from ulcers of legs, now healed, varicose in type and defective vision. His percentage of disability is stated at 50 per cent. Claimant's medical files show nothing unusual apart from the chest wound, for which he receives pension. Upon discharge from the service, all systems were declared to be normal.

Claimant underwent rough treatment whilst a prisoner, and though he has not established that the disabilities from which he suffers as a result of his treatment are very great, the fact remains that he spent 18 months in the salt mines under conditions with which we are familiar. The eye and leg condition of which claimant complains have not been satisfactorily explained, and his chest trouble appears to be of service origin. Notwithstanding these deficiencies in the evidence, I am disposed to give claimant the benefit of the doubt, because of the period he spent in the salt mines. I would, accordingly, recommend a payment to him of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 16, 1931.

CASE 1972—JOHN G. HADDEN

Claimant was a Private with the 4th C.M.R.—Regimental number 113270. He enlisted in December, 1914, at the age of 25 years. He was taken prisoner June 2, 1916, slightly wounded in the right knee. He was repatriated to England December 26, 1918. He is not in receipt of pension, but has an application pending before the Board. He was married in 1925 and has no children. Prior to enlistment, he was employed with a survey party earning \$75 per month and board. Since his discharge he has been operating a small fruit farm.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings for refusing to work, punishment parades, operations without anaesthetics and contends that he now suffers from neuritis in the right leg from the hips down and has to receive continual treatment. He also suffers with stomach disorders due to bad food.

An analysis of the evidence reveals:—

Claimant was first taken to Mannheim, thence to Dulmen, where he remained for three months. He has no complaint to make, until he was sent to the coal mines—K-47—where, for refusing to work, he was made to stand to attention for eight hours. His resistance being finally broken, he consented to work, and though suffering from boils, he was beaten by a guard with a pit lamp for not working as required. He fell and hit his knee and though badly wounded, was not admitted to hospital for nine days. He remained in hospital for seven months and was then sent to Parchim for fifteen months. He has no special complaint as to his treatment here. His testimony was given in a modest and straightforward manner and carried conviction. He now complains of neuritis in the leg, which he attributes to the treatment received in the coal mines.

The medical evidence is furnished by Dr. George Chisholm who appeared before the Commission. He makes it clear that claimant suffers disability from his leg from neuritis, says the scars are evident and testifies to the fact that claimant loses time due to the injury.

Claimant's wound when captured was slight and not such as would, in the natural and usual course of events, leave any disability. That treatment in the coal mines was particularly harsh is abundantly proven by the testimony of many claimants, and it is not surprising that claimant did sustain an injury which aggravated the condition of his knee. I am satisfied, from the evidence, that the incident referred to by claimant did occur as stated and that it may be regarded as maltreatment. He has suffered some disability and is entitled to an award. I would recommend a payment to him of \$600 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 1, 1931.

CASE 1974—THOMAS BOW

The claimant was a Signaller with the Irish Brigade, First Division, British Expeditionary Forces, Regimental number S/18835. He was taken prisoner by the Germans, April 18, 1918. He was notified to appear at Regina on January 10, 1931, but wrote to say that he would not appear as he had not resided in Canada prior to January 10, 1920. His form of declaration discloses that he first arrived in Canada in 1925.

As appears from the foregoing, claimant was an Imperial soldier. For the reasons explained in the present report, his claim cannot receive consideration from this Commission. Moreover, he has practically withdrawn his claim and there is nothing in the record to substantiate his allegations of maltreatment with resultant disability. The claim must, accordingly, be disallowed, but without prejudice to any recourses claimant may otherwise have.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, October 19, 1931.

CASE 1975—GEORGE SCOTT GIBSON

The claimant was a Sapper in the 2nd Tunnelling Company Canadian Engineers—Regimental number 503478. He enlisted January 10, 1916, at the age of 23 years. He was taken prisoner June 2, 1916 at the battle of Mount Sorrel, unwounded but slightly gassed. He was repatriated to England December 27, 1918. He is not in receipt of pension. He was married February 8, 1919, and has four children. Prior to enlistment, he was employed as a coal miner, earning from \$1,300 to \$2,500 per annum, and since his discharge has worked in the mines, earning \$700 per year, and in summer works on the railroad tracks.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard labour and insufficient food, blows, punishment, exposure and general abuse. His nerves have gone to pieces, and he suffers from leaking valve of the heart. Also claims that his lungs are affected.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen camp where he complains of conditions generally and in particular that he was inoculated five times. He was removed to Duisburg, and made to work in a steel factory. He complains that the heavy and arduous work has permanently affected his heart. For refusing to work he was beaten about and declares he still carries the marks. At Munster camp, claimant got into an altercation with a guard, during the course of which blows were exchanged, and claimant received a beating for this incident. He admits that his punishments were given for "minor breaches of discipline," and contends, apparently, that the mere fact of imprisonment entitles him to an award for maltreatment. His story is very disjointed, and it was found difficult to keep him to the point. As a result of his experiences in Germany, claimant alleges an impaired heart and lung condition, due, in his own language, to "working 18 hours of the 24, night shifts, for them in mud and water, carrying steel rails, fourteen foot ties." Upon recapture, after four attempts to escape, claimant received the usual rough handling. He complains also of being sent to Wittenberg camp when typhus was epidemic. He contracted the disease and apparently suffered from the effects for months. While still ill, at Stendal camp, he was beaten for not being able to get up to go to work, and was placed in solitary confinement. Claimant relates a final episode, which would appear to have occurred at Stendal while he was working on a dredging machine. He went to the doctor with an infected finger, and resenting the rough treatment he received he struck the doctor, with the result that the sentries attacked and beat him. Claimant was most bitter in his denunciation of the German guards, but the coherency of his story is greatly marred by the violence of his resentment.

The medical record indicates that claimant suffers from chronic myocarditis and deranged action of the heart. His percentage of disability is stated at 50 per cent in his own calling and 60 per cent in the general labour market. No physician appeared to testify on his behalf, but a report of his medical examination upon discharge is filed, showing no disability and indicating all systems as normal.

My difficulty in this case has been to find the connexity between claimant's present condition and his experiences as a prisoner of war. After very careful consideration I have reached the conclusion that claimant has failed to make out a case before this Commission. That he may, or may not, be entitled to pension is without the scope of this inquiry. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 9, 1931.

CASE 1976—MARK JOSEPH STEEVES

The claimant was a Private in the 145th Battalion—Regimental number 832805. He enlisted in August, 1916, and was taken prisoner May 3, 1917, suffering from gunshot wounds in left shoulder and hand. He was repatriated to England at the end of January, 1919. He is in receipt of disability pension, amounting to \$46.83 per month, based on the loss of the left hand. He is unmarried. Prior to enlistment, claimant was a farmer, working for his father, and since his discharge has resumed the same occupation, income unstated.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his wounded hand did not receive proper medical attention and contends that had he been properly cared for, he would not have had to lose his hand upon return to Canada.

An analysis of the evidence reveals:—

Claimant was taken to Tournai, in Belgium, thence to Minden and Dulmen in Germany. He alleges that the only treatment received for his wounds consisted of preliminary dressings with paper bandages and that no attempt was made to suture the nerves, which had been severed. He has no complaint of brutal treatment, and, apart from poor and inadequate food conditions, confines his complaint to denial of surgical attention.

The medical record indicates that claimant's left hand is off at the wrist, "due to gunshot wound of shoulder." The further statement is made by Dr. G. W. Fleming, in certificate filed of record, that "hand was lost because of lack of proper treatment while a prisoner in Germany." He rates claimant's percentage of disability at from 60 per cent to 75 per cent. It is difficult to see how Dr. Fleming can so categorically state that claimant's disability results from lack of proper treatment and it will be observed that he attributes the loss of the hand to the shoulder wound, while claimant himself attributes it to the injury to the hand itself.

Claimant has suffered a very definite disability, but I do not think that the evidence supports a finding that this results from maltreatment whilst a prisoner of war. Claimant has not shown that the treatment he received was inadequate and it cannot be inferred, from the subsequent loss of his hand, that a better result might have been obtained had a timely operation been performed. Claimant's case is one for the consideration of the Board of Pension Commissioners, which has already dealt with the claim. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 19, 1931.

CASE 1977—GEORGE D. SCOTT

The claimant was a Private in the 7th Battalion—Regimental number 16242. He enlisted in August, 1914, at the age of 39 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from two bullet wounds and gas. His wounds were not reported to the military authorities. He was repatriated to England November 25, 1918. He is not in receipt of pension, and does not appear to have made application. He was married March 21, 1921, and has three children. Prior to enlistment, he was employed as second engineer with the Powell River Company, at a wage of \$2,000 per year, and since his discharge has been engaged in farming and operating a chicken ranch.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in an Iron Foundry and sustained injury to his eyes, that he was denied medical attention, was beaten and confined for an attempted escape. He now suffers from near blindness and has to wear glasses.

An analysis of the evidence reveals:—

Claimant was attached to Giessen camp for the period of his captivity and spent the greater part of his time at enforced labour in the Geisweid Iron Works. Conditions at this camp were very brutal. Claimant was compelled to tend the fire box of a blast furnace, unequipped with goggles or other protection, as were the civilian workers, and declares that he sustained permanent impairment to his vision, due to flying particles of metal, the intense heat and gaseous fumes. He reported sick, when he could continue at this work no

longer, was beaten into unconsciousness by the guards, who considered he was shamming, and also did 21 days' solitary confinement as additional punishment. Claimant received no medical attention for his eyes, which were running matter, until finally he was admitted to hospital in Giessen. There he speaks of the treatment as good. Another form of punishment meted out to claimant was to be made to sit on stools, or stand to attention, in a room without air for such long periods that some of the prisoners collapsed. Claimant admits quite frankly that beatings were brought on by acts of insubordination and that prisoners who did what they were told generally escaped this form of punishment. I was impressed with claimant's testimony and on material facts he is corroborated by the affidavits of fellow prisoners. He complains that his eyesight has been affected and also declares that a sum of £45 was taken from him when he was captured.

The medical record indicates that claimant suffers from his eyes. The certificate of Dr. N. C. Gilchrist, filed of record, is quite general and does not describe the condition, but he expresses the opinion that he believes the impairment of vision to have resulted from claimant's experiences in Germany. Claimant's medical history file merely makes mention generally that claimant's eyes, ears and skin are normal. There is in the record a suggestion that his eye trouble may have been of pre-war origin but I consider that the affirmative evidence made of conditions whilst a prisoner is sufficient to outweigh any such suggestion.

I am satisfied in this case, that the claim of maltreatment, whilst a prisoner of war, resulting in disability, has been made out. The outrageous conditions under which claimant was compelled to work could not have resulted otherwise than in injury to his eyes. As far as may be competent to me, I would suggest that claimant apply for pension in the usual manner. Upon his appeal to this Commission, I would recommend a payment to him of \$700, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 1983—PETER HERMAN ROBINSON

The claimant was a Private in the 12th Battalion, transferring to the 16th Battalion—Regimental number 23045. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from a gunshot wound in the right foot and a slight touch of gas. He was repatriated to England on December 31, 1918. He is in receipt of a 20 per cent disability pension, which he states is for an ulcerated stomach, and receives \$26 per month for himself, wife and two children. Prior to enlistment, he worked in a Brewery, at \$3 per day, and since his discharge has been a clerk in the British Columbia Liquor Store at Fernie, B.C. at a salary of \$120 a month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of brutal treatment through being made the subject of reprisal by the enemy, which consisted of deprivation of food through his parcels being stopped, and whilst suffering from starvation, was tied to trees morning and night and was also compelled to work when unfit to do so.

An analysis of the evidence reveals:—

Claimant was one of the unfortunate prisoners to whose lot it fell to be sent to a reprisal camp on the Russian front—near Libau, where he spent 18 months. He has no complaint as to his previous treatment. He declares that, with other prisoners, he was deliberately starved as punishment, and made to work when too weak to do so. When an occasional parcel did come through, he gorged himself with food, causing injury. For being unable to do the work required, claimant was tied to trees for 2 hours in the morning and 2 hours in the afternoon, and was generally beaten with rifle butts.

The medical evidence indicates that claimant suffers from a duodenal ulcer, said to be due to insufficient and improper food. His percentage of disability is stated at 30 per cent in his own calling and at 100 per cent in the general labour market. Dr. Douglas Corson, who certifies to the foregoing, did not appear before the Commission. Claimant's pension file bears out the gastric condition referred to, and carries some corroboration of his testimony, in the statement he told upon repatriation, which is filed of record.

Not without some hesitation, I consider that claimant has proved that he was deliberately starved by way of reprisal punishment, and that some disability to him has resulted therefrom. As stated in Opinion annexed to the present report, I do not consider that lack of food in itself constitutes maltreatment, but when this condition is intentional and deliberate I do regard it as amounting to maltreatment. Viewing all the circumstances I would, accordingly, recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL

Commissioner.

OTTAWA, November 30, 1931.

CASE 1934 WILLIAM H. ASHFORD

The claimant was a Private in the 3rd Battalion—Regimental number 10098. He enlisted in August, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering from a touch of gas. He was repatriated to England December 14, 1918. He is not in receipt of pension, but may apply therefor. He was married since the war but has no children. Prior to enlistment, he was a machinist, although after coming to Canada he took on any work he could get. His wage as a machinist in the Old Country was approximately 38 shillings per week. Since his discharge he has been peddling from door to door, and can earn from \$20 to \$40 per week, depending upon weather conditions.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of bronchial trouble, defective hearing, poor eyesight and a deep burn on the inner surface of the right forearm, still sensitive, which affects the use of the right hand and forearm. Has nervous trouble and defective memory. He attributes these ailments to beatings, exposure, heavy labour and confinement to cells while a prisoner.

An analysis of the evidence reveals:—

In his statement of claim, claimant asserts a large number of disabilities arising from his period of captivity in Germany. He spent time at Giessen, Mannheim, Hameln and Hueberg camps, in each of which he would appear to have encountered rough treatment. For refusing to work in lead mines, attached

to Giessen camp, he, with others, was lined up before a firing squad, and later beaten by the guards. Down in the mine he was also beaten and served time in punishment cells. Sent out to work on a canal, he was compelled to labour in water. At Mannheim, in a chemical factory, claimant was not furnished with protection for his nose and eyes, as were the German workers, and suffered severely. Here he burned his arm accidentally upon an oven and was denied medical attention. He complains that the chemicals burned and ate into his flesh, permanently injuring the arm. At Hueberg, he was taken ill with some bladder affection, refused treatment, collapsed and was finally operated upon to relieve the bladder. He developed pneumonia, and was confined to bed for 46 days, receiving no treatment. Claimant's greatest trouble, as a result of these experiences, is with his chest. The list of complaints is formidable and the recital of claimant's grievances lacks much in accuracy and consecutiveness.

The medical evidence is furnished by Dr. Alfred Thompson, who appeared before the Commission in Vancouver. (The claimant was heard at Toronto). Speaking of the arm injury, Dr. Thompson notes a scar, but is, of course, unable to state how the injury occurred. He does not, in any event, ascribe any great disability to this injury. Besides, it must be observed that the report of claimant's examination upon discharge does not refer to any such scar, which could hardly have escaped observation. Referring to the pneumonic attack asserted by claimant, Dr. Thompson finds some impairment of the bronchial tree, declaring that claimant's "breathing apparatus is injured permanently", and adding that this is "the only thing there is for compensation". It must not be lost sight of that claimant suffered from the effects of gas when captured, which may and probably did lower his resistance to chest ailments. Some slight impairment of hearing is found by Dr. Thompson; also an unstable nervous condition.

It is not easy to reach a conclusion in this case. Claimant was not fortunate in the manner he put forward his case, and has left some doubt as to the exactitude of his recital of the facts. On the whole, however, I consider that the preponderance of the evidence is in favour of the view that he was subjected to maltreatment whilst a prisoner of war which has resulted in some permanent disability to his chest. In these circumstances, I would recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL

Commissioner.

OTTAWA, December 3, 1931.

CASE 1986—ALFRED KENDALL

The claimant was a Sapper in the 2nd Tunnelling Company Canadian Engineers—Regimental number 503318. He enlisted on January 3, 1916, at the age of 39. He was taken prisoner June 2, 1916, at Sanctuary Wood, unwounded. He was repatriated to England on December 20, 1918. He is in receipt of a 20 per cent disability pension amounting to \$20 per month, based on "defective vision." He is married, and has three grown-up children. Prior to enlistment, he was a casual labourer, and since his discharge his occupation has been the same. He was unemployed at the time of the hearing.

He alleges that, while a prisoner of war, he was subjected to maltreatment which has resulted in pecuniary damage to him. He claims generally injury to his health by reason of abuse and insufficient and improper food.

An analysis of the evidence reveals:—

Claimant has no complaint as to the treatment he received at Dulmen camp. At Minden, where he spent the greater part of his captivity, he complains of being roughly treated, prodded and pushed with rifles and, on one occasion, of being struck and knocked down from a blow with a rifle. He does not attribute the defective vision, for which he is in receipt of pension, to any of these incidents; in fact, his medical certificate upon discharge shows his eyes to have been normal. He does complain of a "sore back," which inferentially may have resulted from treatment whilst a prisoner.

The medical evidence is quite as general as claimant's testimony. It indicates merely that claimant suffers from defective vision and rates his percentage of disability in his own calling, (coal miner) at 100 per cent and in the general labour market at 20 per cent. Dr. W. W. Kennedy, who certifies to this condition, did not appear before the Commission. Claimant's medical history files merely show that he receives a pension of 20 per cent, for defective vision.

It is quite clear that the case as presented completely fails to show a disability resulting from maltreatment whilst a prisoner of war. Claimant admits that his eye condition has not resulted from any ill-treatment in Germany and he has wholly failed to establish any connexity between his alleged lame back and his treatment as a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 9, 1931.

CASE 1987—HERBERT SPENCELEY

The claimant was a Private in the 13th Battalion—Regimental number 24999. He enlisted in August, 1914, at the age of 26 years. He was taken prisoner October 8, 1916, suffering with a shrapnel wound in the right heel. He was repatriated to England January 6, 1919. He is not in receipt of pension but has made application therefor. He was married March 22, 1926, and has three children. Prior to enlistment, he was employed as a farm hand and on day labour, and since his discharge he worked for a time as a labourer, making from 40 to 50 cents an hour. Later he engaged in farming for himself and barely makes a living.

He alleges that while a prisoner he was subjected to maltreatment, which has resulted in pecuniary damage to him. He complains that he was put to work in the salt mines and here suffered starvation and was subjected to excessive labour, being obliged to work, loading salt, for 8 hours per day. He never received any beatings, but was forced to work while starved and while his wound was troubling him. As a result of his treatment he contracted piles, from which he suffers continually—also suffered from boils. States that he also has tonsillitis and pyorrhoea.

An analysis of the evidence reveals:—

Claimant has no complaint as to the treatment he received in hospital at Cambrai and Hanover, where his wounds were attended to. He was sent to Hameln and worked in commando attached thereto, until he found himself in a salt mine, which he refers to as Hameln 13. The familiar story of brutality, overwork and undernourishment is recounted. While claimant was not beaten himself, others were, and the conditions of work were so harsh and cruel that many prisoners welcomed wounds to relieve them from work, and very often injured themselves intentionally to escape going down the mine. Claimant was

at this camp for 17½ months. His hands became sore from handling raw salt and sores broke out all over his body, for which iodine and paper bandages were the only treatment. He complains of haemorrhoids, tonsilitis and pyorrhoea as the result of these experiences.

The medical record indicates that claimant suffers from pyorrhoea, infected tonsils and haemorrhoids. No percentage of disability is stated, and the physician (name indecipherable) who furnishes the foregoing information did not appear before the Commission. Claimant's medical history sheets reveal nothing unusual, and his board upon discharge shows all systems normal.

It would have been desirable in this case that the medical evidence be more specific. The condition in which claimant now is may very well have resulted from other causes than those he indicates. Having regard to the general observations contained in Opinion annexed to the present report—particularly as to imprisonment in the salt mines—I am resolving the doubt in favour of claimant. I find some disability resulting from maltreatment whilst a prisoner of war, and would, accordingly, recommend a payment to claimant of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to the date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 1989—WILLIAM DOWLAND

The claimant was a Private in the 1st Battalion—Regimental number 114813. He enlisted January 2, 1915, at the age of 28 years. He was taken prisoner June 2, 1916, at the battle of Mount Sorrel, suffering from shrapnel wounds in the right arm and in the back. He was repatriated to England January 4, 1919. He is not in receipt of pension. He was unmarried when he enlisted but appears to have married since and has one child. In the Old Country, he was a baker by trade, but since coming to Canada he has engaged in farming, both before and since the war. He gives no statement as to his income.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his health has suffered from inadequate food and suggests that an injury to his back is due to heavy work.

The record in this case is very meagre. Claimant has not completed the usual statement of claim forms. He appeared before the Commission at Winnipeg and based his claim for reparation solely upon the ground of impairment to his health from inadequate and poor food whilst a prisoner. He had no complaint to offer as to any particular acts of brutality, nor did he speak of any permanent disability, except a general complaint of stomach disorders, and that his back troubles him. He was unable to connect his condition with any act of maltreatment. He speaks well of the medical treatment he received for his wounds, which healed completely and left no disability. It will be observed that when captured he was wounded in the back, which may account for the weakened condition he complains of.

There is no medical evidence of record. He was advised to obtain a certificate from his physician and forward same to the Commission. This he has failed to do.

In these circumstances, claimant has failed to make out a case, and the claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 1992—ROBERT JAMES RANDOLPH RUSSELL

The claimant was a Bombardier with the First Division Ammunition Column—Regimental number 304311. He enlisted August 25, 1915 at the age of 20 years. He was taken prisoner June 2, 1916, unwounded, but suffering from a touch of gas. He was released to Holland in April or May, 1918, and was repatriated to England November 18, 1918. He is in receipt of a 40 per cent disability pension, amounting to \$52.00 per month for himself and family, based on heart trouble. He was married August 9, 1919, and has two children. Prior to enlistment, he was employed as a clerk with the Grand Trunk Railway, earning about \$75.00 per month, and since his discharge returned to the railroad at \$110.00 per month for one year. He then entered law school, graduated in 1921, and has been practicing law ever since.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure in severe winter weather, bad food and being compelled to stand at attention for three hours at a stretch for refusing to work. He suffers from rheumatism, dizzy spells and heart trouble as a result of his imprisonment.

An analysis of the evidence reveals:—

Claimant received no physical abuse while a prisoner of war. His claim is confined to impaired health due to exposure, poor food and the cold from which he suffered greatly. Taken first to Dulman camp, thence to Minden and Prusehies, he complains only of the exposure and punishment exercise or drill. Claimant was next sent to Arys, in East Prussia, where he remained eleven months. This was a punishment camp and the conditions were particularly severe and harsh. Made to stand at attention for long hours in the cold, without sufficient clothing and with scarcely enough food to subsist upon, claimant contracted what he describes as rheumatic fever, to which he ascribes an impaired heart condition from which he now suffers.

The medical record indicates quite clearly that claimant suffers from his heart. It has become enlarged. Dr. Leonard M. Murray, who appeared before the Commission, is quite definite in his diagnosis of this condition. He considers that the trouble was probably rheumatic in origin and may have resulted from service. Claimant's medical history files bear out Dr. Murray's diagnosis and it is for this condition that claimant receives pension. "The original disease or injury" is declared to have been "debility following imprisonment in Germany," and is ascribed to "Ill-nourishment, exposure and close confinement." Claimant's reports, as appearing in these sheets, are substantially consistent with his testimony.

In the absence of evidence of direct maltreatment it is difficult to establish the link of cause and effect. That general conditions, to which other prisoners were also exposed, have caused some disablement, does not, in my mind, meet the requirements of the case. Very clear proof of a deliberate subjection of claimant to exposure and hardship would be necessary to permit of a finding that he had been the victim of maltreatment. This, I consider, he has failed to show. I am of opinion that his recourse is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 9, 1931.

CASE 1994—ARTHUR S. WYLLIE

The claimant was a private in the 7th Battalion—Regimental number 16606. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, suffering from a gunshot wound in the right leg. He was repatriated to England December 27, 1918. He was in receipt of disability pension of \$5.00 per month, based on "nervous debility following peripheral neuritis of the lower extremities," but commuted this pension in 1921. He is married and has one child. Prior to enlistment, he was employed with the Canadian Bank of Commerce, and with a firm of Contractors, at \$125.00 per month. He now appears to be employed by a Lumber Company, at \$150.00 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He alleges that while suffering from salt poisoning in the legs, malnutrition, neurasthenia and scurvy, he was compelled, at the point of the bayonet, to work excessive hours in the most unhealthy part of a salt mine. He also alleges that his health was seriously impaired.

An analysis of the evidence reveals:—

After capture, suffering from a wound in the right leg, claimant was marched from St. Julien to Roulers, where he remained in hospital 6 weeks, and also suffered from pneumonia. He was then sent to Giessen for about a year, and has no complaints as to his treatment here. He was sent to Saltau, thence to Lichtenhorst and Celle-lager, and eventually found himself in the salt mines at Olden, where he was forced to work long hours underground and contracted salt poisoning. His legs became a mass of sores, but he was compelled to continue his work, until finally released by a visiting officer, before whom he paraded. His legs still bear the scars of these sores. Claimant declares that he still suffers from his legs which have been permanently disabled due to the treatment referred to.

There is no medical certificate of record, nor was any medical testimony adduced at the hearing, but corroboration for claimant's statement, in part at least, is to be found in his medical history files on discharge, which note the scars resulting from salt sores.

In this state of the record it is difficult to arrive at a conclusion, but having regard to the general observations contained in Opinion annexed to the present report, and in particular to the fact that claimant spent a part of his period of captivity in the salt mines, I am disposed to find that he has suffered some disability as the result of maltreatment whilst a prisoner of war. I would, accordingly, recommend a payment to claimant of \$500.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 3, 1931.

CASE 1995—FRANK G. PINDER

The claimant was a Captain in the Royal Air Force. He enlisted October 9, 1914, at the age of 28 years, and was appointed to a Commission in the R.A.F. October 2, 1915. He was taken prisoner March 28, 1916, inside the German lines, west of Arras, having been shot down while flying. When captured he was suffering from gunshot wounds in the right hand, left arm and back. He was released to Switzerland in November, 1917, and repatriated to England March 16, 1918. He is in receipt of a 30 per cent disability pension, amounting to \$34.00

per month, based on weakness and limitation of movement in the right hand and left arm following gunshot wounds. Also weakness and limitation of spine movement, following gunshot wound. He was married July 12, 1920, and has two children. Prior to enlistment, he was engaged as a mining engineer in Alaska and the Yukon Territory, at a salary of \$4,000.00 per annum, and since his discharge he has held various positions, at salaries ranging from \$300.00 per month to \$180.00 per month, at present.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. His statement sets out that after capture he was taken to a field dressing station where his wounds were tied up, then placed in a motor car and taken to Peronne to a field hospital and placed in bed. In half an hour he was dressed and taken to General Headquarters where he was questioned, and as his answers were not satisfactory he was placed in the City Jail at St. Quentin. It was filthy and the stench was terrible. His arms were bound and he could not lift a jug from the table to get a drink, neither could he remove his top boots which reached nearly to the knee. He remained there several days and was finally removed to St. Quentin Hospital where he was washed, given food and had his wounds dressed. The wounds were infected. Then taken to a hospital at Aachen, for venereal and skin diseases he complains that it was abusive to put him with this type of patient while his wounds were open. Later he was removed to a prison camp at Crefeld, where his left arm swelled until it burst. A fellow prisoner, a medical student, treated him. In the Spring of 1917 he was sent to Schwarnsted in Hanover. The water was bad and there was disease in the camp. He contracted dysentery and was sent to hospital. Later sent to Holtzminden, where he had to strip to be searched frequently. Was sent to Heidelberg where he remained a few months before being sent to Switzerland. States he suffers from broken down nerves and impaired digestion, also bad throat condition, and is unable to resume his former profession of mining engineer.

An analysis of the evidence reveals:—

The foregoing summary of claimant's statement of claim is borne out by his testimony. He adds an incident which occurred at Crefeld. For stepping out of the line he was struck on the nose by a guard and permanently injured. This incident is corroborated by Capt. Victor McLean, who was present.

The medical record indicates that claimant suffers from chronic sinus infection due to deviated septum, which is said to have resulted from the blow above referred to. His percentage of disability is stated at 100 per cent in his own profession and at 30 per cent in the general labour market. A further medical certificate refers to stomach, bowel and nervous condition. Dr. T. B. Anthony certifies that he operated upon claimant in 1928 and again in 1929 for an infection of both frontal sinuses. Inferentially, this would tend to show that the inception of the trouble was of later date than ascribed and was not of traumatic origin.

It is evident from the foregoing recital that claimant is incapacitated, but the difficulty is to establish that the disability results from maltreatment whilst a prisoner of war. As pointed out, the sinus condition of which he complains does not necessarily or probably result from the blow referred to. Claimant's remaining ailments, apart from his pensionable disabilities, have not been shown to be the consequence of maltreatment. On the whole, but with reluctance, I must find that claimant has failed to make out a case. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 1997—JAMES JOSEPH MARTIN

The claimant was a Private in the 7th Battalion—Regimental number 16914. He enlisted in August, 1914, at the age of 26 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but slightly gassed. He was repatriated to England January 1, 1919. He is not in receipt of pension. He was married April 3, 1919, and has three children. Prior to enlistment, he worked as a timber cruiser, earning from \$6.00 to \$8.00 per day, and since his discharge tried unsuccessfully to resume his former occupation. He also tried driving a sight-seeing automobile in Victoria, B.C., but was compelled to abandon this work, owing to fainting spells. Since then he and his wife have been selling small articles from house to house.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of broken health due to rough handling while a prisoner; that he was bayoneted twice in the left leg, had two ribs broken with rifle butts and was struck in the left side of the head, received a two-inch gash in the head from an officer's sword and was confined to cells for attempted escapes.

An analysis of the evidence reveals:—

Suffering slightly from the effects of gas, claimant was taken to Giessen camp. On the way he was stabbed twice in the leg by a guard for lagging behind, but has sustained no disability from these wounds. For refusing to work at Geisweid Steel Works, he was roughly treated. He attempted to escape, was recaptured, beaten and put in a coal bin in solitary confinement for a short period. He was beaten again, sustaining a gash in the head and two ribs broken, and was even threatened with being shot. At Eschede, claimant was again beaten, and, from his own statement, would appear to have aroused the particular hostility of his guards by his refractory conduct. He became a marked man. He speaks of another incident at salt mines (unnamed) when, weak with sickness, he was compelled to load 50 waggons of rock salt per day. He went sick and was relieved of this work. Claimant attributes a weakened heart to this experience in the salt mines, and confines his claim to this cardiac condition.

The medical record indicates that claimant suffers from nervousness, sleeplessness, chronic headache, pains in left chest, breathlessness and pains over heart. His percentage of disability is stated at 100 per cent. Dr. W. H. Kennedy, who certifies to his condition, did not appear before the Commission. No other medical evidence has been submitted.

Copy of the statement made by claimant upon repatriation is of record. Upon his own admission—as to which he said nothing in his testimony—he sustained a heart affection in Canada, at Valcartier Camp, and was practically rejected as unfit, but succeeded in accompanying his battalion to England. In other respects his story does not coincide with his earlier statement. As a result, claimant's credibility is seriously impugned. It cannot be said that his present condition of disability, from heart affection, has resulted from maltreatment whilst a prisoner of war. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1998—D'ARCY ALBERT LATIMER

The claimant was a Sergeant in the 2nd Battalion—Regimental number 8162. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from several gunshot and shrapnel wounds, with some gas. He escaped about July 16, 1916, and arrived in England on August 8, 1916. He is in receipt of a 100 per cent disability pension, amounting to \$100.00 per month, including allowance for his wife, based on "debility from neurasthenia, gunshot wound back, bronchitis." He is married, but has no children. Prior to enlistment, he was employed by the J. R. Booth Lumber Company, at \$3.00 per day. At the present time he is unemployed.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he did not receive proper attention and treatment for his wounds. He alleges also that he was beaten and on one occasion almost choked.

An analysis of the evidence reveals:—

With claimant's medical file is a long report written on April 4, 1924, to Dr. F. P. Proctor, Vancouver, medical director D.S.C.R., which agrees substantially with claimant's testimony. He complains of being beaten immediately after capture, when being taken back to Thourout, in Belgium. Sent to Giessen, he complains bitterly of the conditions as to housing, food and medical attention. Two bullets were extracted from his back without anaesthetic, and he complains of the dressings and lack of subsequent attention. He was refused X-ray examination although still suffering from his back. For sixteen months he was compelled to suffer severe pain, and from loss of sleep and lack of proper nourishment his health, physical and mental, became greatly impaired. For his persistence in demanding treatment he was sent to prison and placed in cells. Apparently for some remark addressed to a guard, he was beaten, thrown down a flight of stairs and escaped choking to death at the hands of the guards by the timely arrival of someone in authority. This was in May, 1916. In July, claimant escaped to Holland. Claimant suffers from neurasthenia, general debility, bronchitis and a gastric condition.

Claimant's medical file is particularly complete and contains a statement of his hospitalization and treatment in great detail. There can be no question that his health has been greatly impaired and the major disability would appear to be neurasthenic in nature, with gastro-intestinal complications. The case has been one of great difficulty to the medical authorities. There is, moreover, on file case report by Dr. James Cotton, M.A., of Toronto, dealing more particularly with the digestive condition.

This case also presents difficulties from the point of view of claim for reparations. I cannot say, from the evidence before me, that denial of medical treatment to claimant constituted maltreatment. Whilst the treatment may have been harsh, it has not been shown to have been improper. But I do regard the treatment which claimant received in cells as going beyond reasonable bounds. I have no reason to doubt the accuracy of claimant's recital of the incident and, I think, in his weakened condition, that such deliberate brutality had an injurious and permanent effect upon his nervous system, which is, in part at least, responsible for the highly complex nature of claimant's state of mind and health. Viewing all the circumstances, I am of opinion that claimant has made out a case of some present disability resulting from maltreatment whilst a prisoner of war. I would, accordingly, recommend a payment to him of \$800 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 1999—WILLIAM B. McCUAIG

The claimant was a Sergeant in the 38th Battalion,—Regimental number 135534. He enlisted in July, 1915, at the age of 22 years. He was taken prisoner August 10, 1918, unwounded. He was repatriated to England December 27, 1918. He is not in receipt of pension, has not applied, but may do so. He was married October 31, 1923, and has one child. Prior to enlistment, he was employed as a printer, earning \$14 per week, and since his discharge has resumed the same occupation, with wages running from \$17 to \$39 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that immediately after capture he did not receive proper attention. Later due to the application of an antiseptic solution, his hair came out and although it grew in again was never the same resulting eventually in total baldness.

An analysis of the evidence reveals:—

Claimant was a prisoner for about 4 months, and presents a very unusual case, based upon maltreatment. After capture, claimant was kept imprisoned close behind the lines, because he would not work. He complains of starvation and solitary confinement and denial of facilities to wash. He was not subjected to any physical abuse and was finally sent to Gustrow camp. Here he was given a bath in disinfectants, as a result of which his hair fell out. He contends that the disinfectant used was too strong, but he is unable to name or describe it in such a way as to permit of identification. The hair came in, but later, in Canada, again came out. Claimant stresses the disfigurement caused by total baldness and states that this handicaps him in his calling of salesman. He suffers from no physical ailment and makes claim wholly on the ground stated.

The medical record corroborates the loss of hair and adds that what remains is white. Dr. E. C. Tate, who certifies to the foregoing appeared before the Commission. He was, of course, unable to state the cause of claimant's loss of hair. He rates claimant's percentage of disability at 25 per cent in his own calling and at from 50 per cent to 100 per cent in the general labour market.

Claimant is over sensitive as to his condition. In appearance there is no disfigurement—at any rate such as I would regard as a disablement, and I cannot concur in the medical opinion as to claimant's degree of disability. For the reasons explained in opinion annexed to the present report, the claim cannot succeed because claimant has failed to show maltreatment followed by disability. To be given an antiseptic bath is not maltreatment, and it does not necessarily follow that this was the cause of the loss of hair. The claim must, accordingly, be disallowed.

ERROL M. McDUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 2000—T. B. HARTLING (Deceased)

Claim is presented on behalf of the father and sister of the above named deceased, who died at Halifax February 17, 1922, of cancer. Deceased was a private in the 8th Battalion, regimental number 1239. He was taken prisoner, April 24, 1915, at the second battle of Ypres, suffering from a gunshot wound in the right side. It appears that upon his return to Canada, he worked in the Camp Hill hospital at Halifax until his death.

It was explained to a brother-in-law of deceased, Captain B. M. Beckwith, who appeared before the Commission, in Halifax, that this Commission could not entertain the claim, which was evidently being advanced on the grounds of dependency. Claims for maltreatment as a prisoner of war are personal to the victim and are not transmitted to his dependents. In these circumstances, the claim was not further pressed. It cannot be allowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 21, 1931.

CASE 2001—RODNEY GEORGE KIGHTLEY

The claimant was a Sergeant in the 2nd Battalion Middlesex Regiment (Imperials), Regimental number 41340. He was born in England, and came to Canada to reside in May, 1920. He enlisted in 1916 at the age of 26 years. He was taken prisoner March 27, 1918, at Ypres, suffering from shell shock. He was repatriated to England in November, 1918. He is not in receipt of a pension, and has not applied therefor. He is married, and has four children. Prior to enlistment, he was in the employ of the Post Office Department, earning £2 per week. Since he came to Canada he has had various occupations.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that by reason of starvation and abuse he is suffering from general weakness, and in particular from a weak back.

Claimant was an Imperial soldier, who first came to reside in Canada in May, 1920. Applying the principles stated in other similar cases, and for the reasons expressed in the present report, I do not consider that I can entertain the claim. The date constitutive of jurisdiction, in civilian cases, has been fixed as of January 10, 1920, and I regard it as equally applicable in cases relating to maltreatment as prisoners of war. Reserving to claimant any other recourses he may have, and, without dealing with the merits of the case, I must, therefore, disallow the claim as here presented.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 2002—ROBERT JOHN PARKINSON

The claimant was a Corporal in the 7th Battalion—Regimental number 16684. He enlisted in August, 1914, at the age of 31 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wounds on the head, right leg and right foot, and a touch of gas. He was transferred to Switzerland December 27, 1917, and repatriated to England March 25, 1918. He was at one time in receipt of a 15 per cent disability pension which was discontinued on May 1, 1922. He is unmarried. Prior to enlistment, he was employed as a contractor, earning about \$2,000 per annum, and since his discharge held a position with the Provincial Government at a salary of \$120 per month, but was unemployed at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being deprived of food and water for several days after capture, although wounded. He received several blows with rifle butts, one of which injured his back, and another knocked out his teeth. He now suffers from traumatic injury to the spine.

An analysis of the evidence reveals:—

Claimant tells a story of much brutality whilst a prisoner of war. On the way back to Paderborn hospital, he was denied food and drink, was struck with rifle butts and apparently contends that his back was injured as a result. From Paderborn he was sent to Senne-lager, employed at light work and was confined to cells for demanding his parcels. At Havelof and Laugendreer, (sic) working on a road gang he was frequently hit in the face and over the back by the guards, received no medical attention and complains that he was suffering from numerous boils that were not attended to. Sent out on a farm, he attempted to escape, was recaptured, beaten, sent back to Senne-lager, thence to Minden, where he served solitary confinement and then landed in hospital at Frankfort, where he received some attention from a Russian doctor. Here, he was again beaten for not standing to attention, but finally was transferred to Switzerland as medically unfit. When confronted with the statement appearing in his medical history file that his back was injured in falling into a hole, 9 feet deep, upon his attempted escape, claimant became very confused and was unable to offer any satisfactory explanation of the discrepancy between the two accounts of his injury. Claimant's lack of frankness created a very unfavourable impression and his credibility was greatly impugned by the contradictions in his statements.

The medical record indicates that claimant suffers from traumatic injury to the spine. His percentage of disability is stated at 85 per cent in his own calling and 100 per cent in the general labour market. Dr. G. F. Carter, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files are very complete and show clearly claimant's reiterated statement as to the origin of his injury and that all his trouble dates from that time, the cause being set down as "accidental fall on back in Germany while a prisoner."

In this state of the record, it is obvious that claimant has failed to establish a case of maltreatment resulting in disability to him. The injury was of accidental origin and he has not shown that it became aggravated by his treatment in Germany. The claim must be disallowed.

ERROL M. McDUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 2003—STEPHEN O'BRIEN

The claimant was a Private in the 4th C.M.R.,—Regimental number 113462. He enlisted June 3, 1915, at the age of 18 years. He was taken prisoner June 2, 1916, slightly wounded by shrapnel in the shin, and suffering from a touch of gas. He was repatriated to England December 12, 1918. He is in receipt of a 100 per cent disability pension, amounting to \$130 per month, for himself and family and mother, based on tuberculosis and thyroid condition resulting in hysteria. He was married September 1, 1920, and has one child. Prior to enlistment, he was an apprentice baker, earning \$7 per week, but since his discharge, he has been unable to work and has been frequently under hospital treatment. He is subject to epileptic seizures.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been tied up by the thumbs for refusing to work on munitions. Was beaten with rifle butts and was stabbed in the back of the neck causing semi-paralysis. He made several attempts to escape and received the usual punishments.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, where he was beaten and had two teeth knocked out for not saluting a German N.C.O. He made an attempt to escape, was recaptured, and given 14 days in cells. He engaged in a fight with a German guard, knocking him into a canal, was badly beaten, before and after serving 40 days in solitary confinement. For later attempts to escape he was confined and was tied up by the thumbs with his chin blocked. A certain truculence of manner may have provoked much of claimant's trouble. At Minden, for refusing to work and a further attempt to escape, he was again beaten and tied, and declares that he was stabbed in the neck by a German officer during the course of a scuffle with the guards in which he and an Australian prisoner engaged. He dates periodic attacks of epilepsy from this injury. To these experiences claimant attributes his tubercular condition and general debility.

The medical record indicates that claimant shows the marks of a stab wound in the neck, suffers from general debility and pulmonary tuberculosis. His percentage of disability is stated at 100 per cent. Dr. R. S. Stevens, who certifies to the foregoing, did not appear before the Commission. Claimant's medical file is quite complete, showing tuberculosis and hysteria. He is evidently a difficult patient to handle and has been frequently in trouble with the hospital authorities.

There can be no question as to the serious nature of claimant's disablement. He is under a certain misapprehension as to the scope of this Commission and seems to regard its functions as supplementary to those of the Board of Pension Commissioners. At the hearing the distinction between the two was explained to claimant. After carefully considering his case, I have reached the conclusion that, however provocative claimant's manner may have been towards his captors, he was subjected to punishment and abuse which went beyond all reasonable bounds. His health has been wrecked and although he is in receipt of 100 per cent pension, I consider him entitled to an award from this Commission, on the ground that his disability, in part at least, is due to maltreatment whilst a prisoner of war. I would, accordingly, recommend a payment to him of \$600, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 2004—STEPHEN LEBLANC

The claimant was a Private in the 2nd Battalion—Regimental number 8225. He enlisted in August 1914 at the age of 21 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a bullet wound in the face. He was repatriated to England December 30, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$19.50 per month for himself and family, based on gastritis and neurasthenia. He was married August 25, 1923, and has two children. Prior to enlistment, he was employed as a clerk with a Gas Company, earning about \$75 per month, and since his discharge has been employed as a Postal clerk, at \$1,740 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of forced labour, starvation, standing at attention for long periods, exposure, blows, kicks, confinement to cells and being tied to posts. His gastritis and neurasthenia are attributed to the treatment he received while a prisoner.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, was also at Vehnemoor, Ostenholzenmoor, Celle-lager, Saltau and Hameln. He complains only of two acts of brutality. On one occasion he was tied to a post two hours a day, for an attempted escape; the ropes cut his ankles. For another attempt to escape he was beaten by the sentries. In all, he made four attempts to escape, and was confined to cells for 14 days for each attempt. He complains now of stomach ulcers and neurasthenia with insomnia.

There is no medical evidence as to claimant's present condition; not even the usual certificate of a physician. Claimant's medical files show nothing unusual, indicating merely that he is in receipt of pension for the ailments above complained of.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. He has failed to show a present disability resulting from maltreatment whilst a prisoner of war. His claim is one purely for the consideration of the Board of Pension Commissioners. It is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2005—BERNARD J. BROWN

The claimant served as an Imperial soldier, having been Quartermaster Sergeant with the 103rd Machine Gun Company,—Regimental number 23391. He enlisted in England in August, 1915, at the age of 22 years. He was taken prisoner October 22, 1917, suffering with a shrapnel wound in the right testicle and the effects of tear gas. He was repatriated to England November 30, 1918. He is in receipt of a 25 per cent pension, amounting to \$35 a month, based on his wound and pulmonary T.B. He was married May 8, 1919, and has 3 children. Prior to enlistment, he was employed as a bookkeeper and news agent, earning about \$40 per week, and after his discharge held various positions and is now a proof reader, earning \$30 per week. He came to Canada to reside in April, 1911.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his right foot has become permanently injured through wearing wooden sabots while a prisoner. His eyesight, affected by gas, became aggravated because he was deprived of his glasses. He was also deprived of personal property and cash.

An analysis of the evidence reveals:—

Claimant was resident in Canada before the war. Refused for military service here, because of his size, he went to England and was taken on there. He was taken to Dulmen camp and sent out to a coal mine near Sodingen. Here he complains of being deprived of his glasses, without which he could scarcely see. His boots were also taken and he was made to wear wooden clogs. Claimant refused to work in the coal mines, was beaten and made to stand facing a wall until he collapsed. He was frequently beaten and bears the marks on his back. He asserts that his right foot has been permanently injured from wearing clogs, and that his eyes have suffered from being deprived of his glasses. He also speaks of a tubercular condition, which he attributes to his experiences whilst a prisoner of war.

There is no medical evidence of record, apart from what is contained in claimant's pension files. This refers only to his original injury and to tuberculosis. There is no mention of an eye or foot condition. The record of hospitalization does not disclose any treatment for either of these two latter ailments.

Clearly, as the record stands, claimant has not made out a case of disability to his eyes or foot resulting from maltreatment. All medical evidence is absent. He is pensioned for his original wound and for tuberculosis.

The evidence of maltreatment is very meagre, but, having regard to the period claimant spent in the coal mines where conditions were extremely harsh, I think the record justifies a finding of some disability resulting from his treatment, notably to his chest. Viewing all the circumstances, I would recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL

Commissioner.

OTTAWA, December 7, 1931.

CASE 2007—WILLIAM ALBAN RICHARDS

The claimant was a corporal in the 2nd Battalion—Regimental number 8176. He enlisted in August, 1914, at the age of 31 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, slightly wounded with shrapnel in the head and suffering from gas. He was released to Holland in March, 1918, and repatriated to England November 18 of that year. He is not in receipt of pension, but has made application therefor. He was married in 1923 and has two children. Prior to enlistment, he was employed as a civil engineer, and he is now a draftsman with the Department of the Interior, at a salary of \$2,160 per annum.

He alleges that while a prisoner he was subjected to maltreatment which resulted in pecuniary damage to him. He complains of being forced to stand at attention without hat or coat in very bad weather. Developed pleurisy and pneumonia and now suffers from chronic bronchitis.

An analysis of the evidence reveals:—

Claimant has very little to complain of. At Giessen, Lichtenhorst and Hestenmoor camps he complains of no particular brutality. He protests against long hours standing to attention in all weather, and attributes to this exposure a bronchial and chest condition from which he still suffers.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical files show nothing unusual and he himself admits that he suffers very little disability and was informed by his physician that his chest and heart are "in first class shape".

This claim has evidently been put forward before this Commission under the misapprehension that it would further a pending application for pension. Claimant has failed to establish maltreatment whilst a prisoner of war and has, moreover, not attempted to prove disability resulting therefrom. His testimony was very frank and straightforward but the grounds of his complaint are without merit. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL

Commissioner.

OTTAWA, December 10, 1931.

CASE 2008—WILLIAM ERNEST COLBORNE

The claimant was a private in the 38th Battalion—Regimental number 246583. He enlisted July 10, 1916, at the age of 24 years. He was taken prisoner August 10, 1918, suffering from machine gun wound through the right chest and back. He was repatriated to England, December 8, 1918. He is not in receipt of pension, his application having been rejected. He was married July 12, 1919, and has one child. Prior to enlistment, he was employed as a decorator, earning about \$31 a week, and since his discharge has had various occupations but was unable to resume his work as a painter due to the fumes. He is now a telegrapher with the Canadian Pacific Railway, earning \$137 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that while in Darmstadt camp he was unable to remove his shirt quickly to be vaccinated because his wound was sore, and the sergeant knocked him down and tore the shirt off. He took him outside in the cold and made him stand stripped to the waist for about two hours. As a result of this exposure he contracted pleurisy, received no medical attention, and now suffers from tuberculosis.

An analysis of the evidence reveals:—

Claimant was a prisoner for about four months. His testimony bears out the facts alleged in the foregoing summary of his statement of claim. Claimant ascribes to the exposure related a chest or lung condition, as to which he is more fearful for the future than he is of any present existing disability.

The medical record indicates that claimant suffers from chronic quiescent tuberculosis of left lung. His percentage of disability is stated at 20 per cent in his own calling and at 50 per cent in the general labour market. Dr. J. F. Dunn, who certifies to the foregoing, did not appear before the Commission. A certificate of Dr. J. K. Kelly is filed certifying to treatment given claimant in 1928 and 1929 for pleurisy in lower left lung.

Claimant, in common with many claimants, presents his claim with a view to supporting a pension application. He says: "I would like you to consider my case favourably and give me a little support towards pension. That is what I want." It does not necessarily follow that two hours exposure in the circumstances noted would induce tuberculosis. Many other causes may have contributed. Claimant has not, in my opinion, established the connexity between his present condition and maltreatment whilst a prisoner of war. His recourse, if any, is before the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDUGALL

Commissioner.

OTTAWA, December 7, 1931.

CASE 2009—CHARLES A. SUMMERS

The claimant was a Private in the P.P.C.L.I.—Regimental number 246049. He enlisted March 14, 1916, at the age of 19 years. He was taken prisoner August 14, 1918, unwounded, but suffering from gas. He was repatriated to England December 1, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$15.00 per month, based on heart trouble. He was married April 1, 1931. Prior to enlistment, he was attending school, and is now employed as a Commercial Traveller, earning about \$2,000 per year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of food, that he was forced to work while not fit and was knocked about.

An analysis of the evidence reveals:—

Claimant was a prisoner for about 4 months. Taken first to Dulmen, he complains of the inadequate food on the journey. He was then sent to Metz, where he declares that he was knocked around and made to work when he was not fit. He was subject to fainting spells, evidently due to heart condition. His complaint is that his heart affection was induced by his experience in Germany.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical files show some trouble in his respiratory system. The pension file shows disordered action of the heart.

It does not follow by any means, that claimant's disabilities are attributable to his experience in Germany. The short duration of his stay creates no such presumption. In my opinion this claim is one solely for the consideration of the Board of Pension Commissioners. Claimant has failed to show a disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 9, 1931.

CASE 2010—PERGY GLADSTONE STOTT

The claimant was a Lance Corporal in the 8th Battalion. He enlisted in August, 1914, at the age of 26 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England December 27, 1918. He is not in receipt of pension, but has made application therefor. He was married July 3, 1922, and has no children. Prior to enlistment, he was employed as a Commercial Traveller, earning about \$4,800.00 per annum and expenses. He is now employed by a fur concern in Ottawa, earning \$60.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being hit in the face, and lack of medical attention for his eyesight which had been affected as a result of tear gas. He suffers from nervous trouble and stomach disorders.

An analysis of the evidence reveals:—

Claimant was hit in the mouth with the butt of a rifle while being taken back to Roulers and lost 3 teeth. Removed to Meschede, and then Giessen, he has little to complain of, declaring that brutality could be avoided upon compliance with orders. Sent to Vehnemoor, he refused to work, was beaten about in consequence but does not complain of any disabilities resulting therefrom. Working in the wet and mud has impaired his health generally. At Koenigsberg, he complains of being compelled to wear wooden clogs which damaged his feet. Transferred to Saltau and Limburg, where he worked in the salt works, he has little to complain of. Claimant's main complaint is as to the condition of his mouth, pyorrhea has developed and he has had to have most of his teeth extracted. He also complains of his eyes, but this was apparently due to the effects of tear gas, which he received at or before capture. There is some corroboration in the record as to the injury to claimant's teeth, in the form of a letter from Dr. R. J. Yeo, who saw claimant immediately upon his repatriation and is quite definite as to the injury to claimant's mouth. He saw claimant later and attributes the loss of teeth to the blow received in Germany.

The medical record indicates that claimant suffers from impaired vision, both eyes. His percentage of disability is stated at $33\frac{1}{3}$ per cent. Dr. W. E. Mahood, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show nothing unusual, all systems being declared normal upon discharge from the service.

Clearly the eye condition from which claimant suffers must be attributed to service. There is nothing in the record to show that his treatment in Germany aggravated this condition. I do consider, however, that the incident of the blow on the mouth, with injury to his teeth and consequent disability, has been established and constitutes maltreatment whilst a prisoner of war. In these circumstances, bearing in mind the frankness with which claimant gave his testimony, I consider that he is entitled to an award. I would, accordingly, recommend a payment to him of \$600.00, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 2011—FRED JAMES SHEARMAN

The claimant was a Private in the 2nd Battalion,—Regimental number 7903. He enlisted in August 1914 at the age of 23 years. He was taken prisoner April 24th, 1915, during the second battle of Ypres, suffering from two slight bullet wounds in the right ankle and right leg and from a slight touch of gas. He was repatriated to England December 27, 1918. He is not in receipt of pension, but intends making application therefor. Prior to enlistment, he was employed as a draughtsman, earning up to \$150.00 a month and since his discharge he is employed with the Dominion Government Penitentiaries Branch, as a draughtsman, earning \$2,160.00 per year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been compelled to work in a mine, lack of medical attention, forced to work in water, causing rheumatism, and blows injuring his teeth.

An analysis of the evidence reveals:—

Claimant was beaten immediately after capture, because an empty cartridge case was found on him and he was suspected of looting. He was taken to Giessen and complains only of treatment on working parties. He was struck with pick handles for not doing enough work. Sent to Vehnemoor, where he remained for three years, he complains of being made to work in the water, with injury to his feet and resulting rheumatism. He declares he was wounded in the arm by a bayonet in the hands of a guard, and complains generally of petty annoyances, such as being tied to posts. For attempting to escape, he was beaten. He complains that his left ear is almost completely deaf and still discharges, as a result of this treatment. He also suffers from rheumatism, nervousness and general weakness.

The medical record indicates that claimant suffers from loss of hearing in left ear, bronchitis, rheumatism and marked nervous irritability and mental depression. His percentage of disability is stated at $33\frac{1}{3}$ per cent in the general labour market. Dr. J. H. Alford, who certifies to the foregoing, appeared before the Commission, and speaks of a number of other minor ailments, and is of opinion that the rheumatism may result from a focus of infection to be found in these ailments. Claimant's medical file contains nothing unusual, his last medical board upon discharge from the service declaring all systems normal.

Claimant's ear condition, of which he complains chiefly, may or may not have resulted from conditions of exposure whilst a prisoner of war. It is difficult to say, in this case, that claimant was subjected to particular maltreatment by the enemy. Viewing all the circumstances, I am inclined to resolve that doubt in claimant's favour, and to find that he now suffers some disability resulting from maltreatment whilst a prisoner of war. I would recommend a payment to him of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January 1920 to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 3, 1931.

CASE 2012—DR. WALTER REUBEN WIGMORE HAIGHT

The claimant was a Captain in the Canadian Army Medical Corps. He enlisted in May 1915 at the age of 34 years. He was taken prisoner June 4, 1916, suffering from a gunshot wound in the urethra. He was repatriated to England February 24, 1918. He is not in receipt of pension but intends making application therefor. He was married February 21, 1921, and has two children. Prior to enlistment, he was engaged as House Surgeon in hospitals in Winnipeg and Vancouver, at \$100.00 per month, and since his discharge has been practising for himself, but owing to broken health is unable to make a success of it. He earns about \$2,000.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of mental strain, bad food resulting in bad teeth, is nervous and irritable and suffers with indigestion.

An analysis of the evidence reveals:—

This is a particularly distressing case but one which I fear this Commission is without authority to deal with. The claimant, a medical officer, after capture, was taken to Bischofswerda, in Saxony, where his wounds received attention, and as to which he has no complaint. He afterwards received treatment at Stuttgart and was then moved to Crefeld camp, thence to Swarmstadt and, finally, to Holzminden. He was subjected to no physical violence or abuse, but complains of the attitude of his guards and the mental strain caused by their efforts to have the prisoners mutiny or disobey, in order to punish them. This mental strain reacted upon the claimant's health and by reason of his lowered resistance, due to the bad food and close confinement, has had a very unfavourable reaction upon his nervous system. The unbalanced diet very seriously affected his teeth and he has had to have them removed since. He complains, as a result of these experiences, that his mental vigour is not the same and that he is unable to meet the exigencies of country practice. He suffers with his stomach and has frequent attacks of indigestion. To summarize his complaints, he alleges that his health has been so impaired by his war experiences that he is no longer able to care for himself and his family.

There is a certificate filed of record from Dr. Norman N. Guiou, certifying to claimant's technical qualifications and his inability to meet the requirements of practice. Claimant suffers from a severe acne which is attributed to unsanitary prison camps, and apparently also contracted a mild form of dysentery which has troubled him since. Dr. Guiou, however, states his main trouble to be from nervous system, declaring that his morale was so completely crushed that his mental state has never risen to the level where he can make use of his training to make a living. Claimant's medical files reveal nothing unusual. They indicate hospitalization in England for his original wound and for influenza.

It can hardly be said in this case that claimant's present condition results necessarily from his experience whilst a prisoner of war. With the greatest regret, I find that I am unable to reach a conclusion favourable to claimant's claim for reparation. In my opinion his case is one purely for the consideration of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7th, 1931.

CASE 2013—HARRY JOSEPH DESLAURIER

The claimant was a Private in the 2nd Battalion,—Regimental number 8202. He enlisted in August 1914 at the age of 22 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was released to Holland in November 1918, and repatriated to England December 9, 1918. He is not in receipt of pension and has made no application therefor. He was married June 17, 1925, and has two children. Prior to enlistment, he was a clerk with the Ottawa Electric Co., earning \$50 a month and is now employed as railway mail clerk at \$1,800 per annum.

He states that he is unable to give any instance of maltreatment or brutality and merely complains of the camp conditions at Saltau. The food was bad and he now finds that his teeth require attention and that he suffers from nervousness.

It is scarcely necessary to analyse claimant's evidence. He complains of no maltreatment and seems to consider that this Commission has jurisdiction to award him a pension possibly for the sole reason that he was a prisoner of war. He declares that he suffers from nervous exhaustion and that he has to have his teeth extracted. If claimant suffers any disability following his period of captivity, it is entirely due to general conditions of camp life, and, in his case, these do not appear to have been harsh. As explained in Opinion annexed to the present report, there is no element of maltreatment in such circumstances. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 2015—FREDERICK VICTOR BRITT

The claimant was a Private in the 19th Battalion,—Regimental number 767212. He enlisted April 17, 1916, at the age of 19 years. He was taken prisoner May 9, 1917, and states he was suffering from a bullet wound in the left knee when captured. The military records state that he was not wounded. He escaped March 21, 1918, and was repatriated to England April 13, 1918. He commuted his pension based on neurasthenia August 30, 1920. He is unmarried. Prior to enlistment, he was employed as a shoemaker's apprentice at \$4.00 per day, and since his discharge he pre-empted land at Beaver Lake, B.C. and works occasionally on Government road work in the summer, from which he averages \$500.00 per year.

He alleges that while a prisoner of war he was subjected to maltreatment which resulted in pecuniary damage to him. He complains of his wound being neglected, and improper treatment for a boil, which injured the jaw.

An analysis of the evidence reveals:—

Wounded in the knee, claimant was first taken to Douai hospital, thence to Rastatt camp. In June, 1917, he was sent to Hueberg and later to Loffingen camp, from which he escaped in March, 1918. Claimant does not complain of any particular acts of brutality, but alleges that he received no medical attention for his wounded knee, and has sustained a resulting disability. The statement made by claimant, upon repatriation, does not accord with his testimony before this Commission. In the statement referred to, he declares that his knee was bandaged, and, later, at Rastatt he speaks of treatment for his wound and declares himself satisfied with the treatment received. Moreover, his pension file indicates that the knee condition causes no disability. A further complaint is made as to the manner in which he was treated for boils on the chin at Loffingen. He declares that the German physician injected a fluid which worked into his teeth, and poisoned the bone, and has injuriously affected his teeth. In his original statement there is no mention of this incident.

The medical record indicates that claimant suffers from partial loss of function and weakness in left knee, partial destruction of lower jaw, neurasthenia, and general debility. His percentage of disability is declared at 25 per cent in his own calling and at 50 per cent in the general labour market. The physician who certified to the foregoing, did not appear before the Commission.

In this state of the record, I find that claimant has failed to make out a case of maltreatment whilst a prisoner of war resulting in disability to him. As stated, his testimony and statement do not agree as to the medical treatment to his knee, and he has also failed to show that the alleged inoculation for boils was improper treatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 4, 1931.

CASE 2016—ROBERT WILLIAM BRADLEY

The claimant was a Private in the 50th Battalion,—Regimental number 435842. He enlisted July 5, 1915, at the age of 18. (According to his Attestation Paper he was aged 22). He was taken prisoner November 19, 1916, unwounded. He was repatriated to England January 12, 1919. He is not in receipt of pension, and has not applied therefor. He was married September 28, 1921, and has two children. Prior to enlistment, he was a student and school teacher, earning \$1,200.00 per annum. After his discharge, he completed his university course, and since 1923, has practised dentistry.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that by reason of exposure and lack of food he contracted cystitis, which later led to kidney trouble, necessitating an operation, since which time his health has never been normal.

An analysis of the evidence reveals:—

Claimant, according to his evidence, was kept working behind the German lines, in retaliation for similar treatment alleged to have been imposed upon German prisoners. He thus spent several months at Cambrai, Queant, Ecourt, Souci Couchy, Denain, Rasmes, Warlaing and Marchiennes. He complains chiefly of the poor living conditions, lack of food and hard work, which brought on a bladder complaint from which he suffered severely and which finally necessitated an operation in 1921, in Canada. He does not allege any particular acts of

brutality by his guards during this period, but complains that he received no medical attention for his bladder condition. He states that practically all the prisoners suffered similarly. Claimant's later experiences at prison camps in Germany, viz: Friederichfeld and Parchim are without special incident. He contends that as a result of his period of captivity his health has been permanently impaired—the kidney condition being stressed.

The medical record indicates that claimant suffers (history of renal calculi) from characteristic urinary excretion periodically, which is attributed to exposure while a prisoner of war. His percentage of disability is stated at from 10 per cent. to 20 per cent in his own calling (dentist). Dr. V. Stanley Kaufman, who certifies to the foregoing, did not appear before the Commission. Claimant has filed a letter from Dr. F. S. Patch, of Montreal, who operated upon him in December, 1921. Dr. Patch removed a calculus from the pelvis of the left kidney by a pyclo-lithotomy operation. He does not find anything in the history of the case which would definitely establish claimant's contention that the calculus dated from war service, but does express the opinion that the stone for which he operated probably had its origin or was associated with the attack of frequency which claimant suffered while in Germany. Claimant's medical history file records "all systems normal with exception of genito-urinary," but the history of the case is not entirely favourable to claimant.

In this state of the record I am compelled to find that claimant has not discharged the burden resting upon him of showing that his present condition results from any maltreatment to which he was subjected whilst a prisoner of war. The impairment to his health may possibly have been due to other causes and the claim, accordingly, fails. It is disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 4, 1931.

CASE 2017—CHARLES C. PARTRIDGE

The claimant was a Private in the 19th Battalion,—Regimental number 285678. He enlisted January, 5, 1917, at the age of 18 years. He was taken prisoner June 21, 1918, suffering from gunshot wounds in the left thigh, wrist and arm. He was repatriated to England December 20, 1918. He is in receipt of a 65 per cent disability pension amounting to \$87.75 per month, for himself and his family, based on the wounds in his left leg and left arm and on defective speech. He was married in September, 1924, and has three children. Prior to enlistment, he was employed as a shipping clerk, earning \$15.00 a week and since his discharge has been employed as a draughtsman, earning \$25.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that while being carried back by the Germans as a prisoner and suffering from his wounds and broken leg, he suffered unspeakable torture because of the rough way his captors handled him. A German sentry kicked him in the wounded leg causing him to shriek with pain. This rough handling continued, causing his wound to break open and to discharge freely. He had not been given a bath or any proper attention but was finally allowed a tin tub partly filled with ice cold water, and left alone until he nearly froze. He states that sanitary conditions were abominable and that his leg began to swell in the region of the knee, causing him to suffer intense pain. He was operated upon without an anaesthetic on two occasions, which caused him to faint with pain. At no time during his

period of captivity was he able to put his foot to the floor or to fend for himself. As a result of this treatment, he now has to wear a full length steel splint, which gives him much pain and discomfort. He also suffers from a weakened left arm, with long spells of aching in it.

An analysis of the evidence reveals:—

The foregoing summary of claimant's statement of claim is borne out by his testimony. His story is one of revolting cruelty and inhumanity to a wounded prisoner in German hospitals. What surgical treatment he did receive was unbelievably harsh. He speaks of having a piece of protruding bone forcibly broken away by the surgeon while three guards held him down. Claimant created a very favourable impression and while it is difficult to believe his story, so gross is the detail, I am satisfied that it is substantially accurate. The medical record of his hospitalization in England and Canada is very complete. He was only discharged from hospital in 1923. The reason for the impediment in claimant's speech, which is very marked, has not been explained.

I have little hesitation in finding, in this case, that claimant was subjected to maltreatment whilst a prisoner of war, which had the effect of aggravating already serious wounds and that claimant's present evident disability is greater than it would have been had he received even casual surgical attention. What the aggravation so caused amounts to it is impossible to say, but having regard to the pension claimant is receiving, I am disposed to recommend a payment to him of \$1,200.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 2018—CHARLES MURDOCK

The claimant was an acting Quartermaster Sergeant in the Third Battalion. He enlisted in August, 1914, at the age of 24 years, Regimental number 9813. He was taken prisoner April 24, 1915, during the second battle of Ypres suffering from a slight shrapnel wound in the back and from gas. He was released to Holland before the Armistice in 1918 and was repatriated to England October 24, 1918. He is in receipt of a 25 per cent disability pension amounting to \$32.50 per month based on heart and nervous trouble and neuralgia. He was married June 4, 1919, and has three children. Prior to enlistment, he was employed as a surveyor earning \$9.00 per week and since his discharge has been engaged as a clerk in the City Road Department, Toronto, at a salary of \$32.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been confined to dark cells on at least 20 occasions for refusing to work when unable to do so. Has trouble with his feet owing to the wearing of wooden clogs.

An analysis of the evidence reveals:—

Claimant spent the entire time of captivity at, or attached to, Giessen camp. He speaks generally of rough treatment consisting of beatings and repeated confinement to cells because he would not work. Suffering from the injury to his back, he declares that he was unable to work. He speaks of one occasion when he was beaten into unconsciousness and came to in hospital and found that several teeth had been knocked out. Furnished with wooden clogs, he was compelled to parade for long hours, which injured his feet. At a stone

quarry he was unable to work, due to his back and fainted when shoved and kicked by the guards. Returned to Giessen, he was put in cells for ten days and made to sit at attention on a stool for long periods. He complains of heart trouble and rheumatism.

The medical record indicates that claimant suffers from general physical and nervous debility, chronic endocarditis and myocarditis. His percentage of disability is stated at 40 per cent in his own calling and 100 per cent in the general labour market. Dr. J. W. Burnett, who certifies to the foregoing, appeared before the Commission. He confirms the diagnosis contained in his certificate and also speaks of some gastric trouble. He expresses the view that the heart trouble may have resulted from being compelled to work when suffering from rheumatism.

Claimant's complaints are of a general nature. None of the acts of physical abuse would appear to have left any disability, but the sum total of his experiences and the strain imposed upon his powers of resistance, has probably caused the heart affection from which he now suffers. Viewing all the circumstances of the case, and for the reasons expressed in opinion annexed to the present report, I do not consider that claimant has shown that he suffers a present disability resulting from maltreatment whilst a prisoner of war. His recourse, if any, is elsewhere. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2020—ALBERT VICTOR EDWARD ALLEN

The claimant was a Private in the 4th C.M.R.—Regimental number 113054. He enlisted June 11, 1915, at the age of 27 years. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 18, 1918. He is not in receipt of pension although he says he made application therefor and underwent a medical examination at the Christie Street Hospital, Toronto, and received vocational training. He was married in April, 1921, and has one child. Prior to enlistment, he worked in lumber camps for \$45.00 per month and board, and since his discharge has held different positions but is now with the Post Office, at a salary of \$1,020.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of abuse, of being compelled to work when unfit, punishment parades, beatings, confinement to cells, and exposure.

An analysis of the evidence reveals:—

Claimant spent the first three months of his captivity at Dulmen camp. The only ill treatment complained of is that of being made to stand at attention for long hours for refusing to work. This punishment, coupled with lack of food, weakened claimant's condition of health, which was never very robust. At Minden the treatment was similar, with the additional grievance that claimant was compelled to work when unfit. He took ill with bronchitis and was in hospital, where the treatment was good. Next sent to a cement factory, he complains that the work of filling and lifting bags of cement was too heavy for him and that failing to do the amount of work assigned to him, he was beaten. The punishment of compelling prisoners to stand at attention was also resorted to here. He escaped being sent to a Russian camp, by absenting himself, was tried by court martial and sentenced to two weeks in cells. As a result of these

experiences, he complains that his back still troubles him. This condition first developed about six years ago. He also has a hernia, but this is probably of post war origin.

The medical record indicates that claimant suffers from a sprained back, left inguinal hernia and loss of hair on the head. His percentage of disability is stated at 10 per cent in the general labour market. Dr. H. K. Moir, who certifies to the foregoing, appeared before the Commission in support of claimant's case. He finds claimant's health undermined from a nervous standpoint, describing him as a "borderline nervous wreck." General debility with intercostal neuralgia is present and his capacity for heavy work greatly impaired. Claimant's medical history files are not favourable to his claim.

Claimant made a statement upon repatriation which deals solely with maltreatment to other prisoners. He does not mention himself as being subjected to ill treatment. I am inclined to think that the present application is an afterthought, and has no real merit before this Commission. Claimant has failed to show that any present disability results from maltreatment whilst a prisoner of war. His claim, if any, is one for the consideration of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 9, 1931.

CASE 2021—ALFRED WILLIAM BECKETT

The claimant was a Private in the 3rd Battalion—Regimental number 9646. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 31, 1918. He is in receipt of 100 per cent disability pension based on dementia praecox. The claimant is insane; his father presents the claim on his behalf. There is no information as to his pre-war employment, and, after his return to Canada, he left for Detroit, where he worked for a time with the Ford Company. While there he suffered a mental breakdown.

The claimant's father alleges that while a prisoner his son was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that as a result of his son's treatment in the prison camps and salt mines, he returned home in an extremely nervous condition and is now insane and confined to Westminster Hospital, London, Ontario, with very little hope of ultimate recovery.

An analysis of the evidence reveals:—

Claim is made by the father of claimant on his behalf. Claimant, as appears above, is an inmate of Westminster Hospital, London, Ontario, suffering from dementia praecox. The evidence of a fellow prisoner is of record, but does not establish any particular maltreatment to claimant whilst he was a prisoner. The last time witness saw claimant, in 1916, he appeared to be quite sane. The military record contains entries of punishments to claimant for infractions of discipline and he appears to have been a difficult subject to handle. There is a suggestion appearing in the record, from claimant's mother, that another son also suffers from mental aberration. The case rests upon the inference that claimant's treatment in Germany induced and brought about his mental state. I do not consider that the inference so drawn is strong enough to justify a finding, in fact, that claimant's present condition results from maltreatment

whilst a prisoner of war. There is some suggestion that domestic difficulties may have contributed to the derangement of claimant's mind. As to this I cannot say. Claimant is in receipt of full disability pension. Upon the facts disclosed, I do not consider that he is entitled to claim before this Commission. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL

Commissioner.

OTTAWA, December 3, 1931.

CASE 2022—SIDNEY WILFRED BARRETT

The claimant was a Private in the 15th Battalion—Regimental number 27613. He enlisted in August, 1914, at the age of 17 years. His attestation paper indicates that he was 20 years of age. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England December 21, 1918. He was in receipt of pension, amounting to \$450 per annum, based on bronchial trouble. He commuted this pension October 20, 1920, but has applied for reinstatement. He was married November 5, 1919, and has no children. Prior to enlistment, he was employed as a shipping clerk, earning about \$12 per week, and since his discharge he farmed for a while, then drove a truck, and is now employed with the Customs Department at a salary of \$1,500 per annum.

He alleges that while a prisoner he was subjected to maltreatment, which has resulted in pecuniary damage to him. He complains of general abuse, work in a stone quarry and three years' labour in the salt mines at from 8 to 16 hours per day. He suffers from bronchial trouble, rheumatism and stomach disorders and complains of heart trouble and bad nerves.

An analysis of the evidence reveals:—

Except for a short period at Gottingen camp, where claimant was first taken, he spent the remainder of his captivity—3 years—in the Salsted salt mines, where the treatment, as described in this and other cases, was of the most brutal nature. Notwithstanding some reticence on the part of claimant, there is clear evidence of maltreatment in the mines. On one occasion he was struck and cut by a bayonet in the hands of a guard, for the reason that he was not working fast enough. Claimant developed salt sores, as did the other prisoners, but received no treatment therefor. Made to work long hours, poorly fed and beaten, it is not surprising that claimant's health suffered. He complains in a general way of debility and, while he has made some improvement under medical care, still suffers from bronchitis, an impaired digestive system and nervousness.

The medical record indicates that claimant suffers from anaemia, neurosis, inability to concentrate, for which he was attended by his family physician, Dr. W. G. Russel, who appeared before the Commission. Dr. Russel finds claimant in better health now than when he first examined him after the war, but is of opinion that his health will never be completely restored. He knew claimant before the war as a healthy, robust youth, and ascribes his present condition to his experiences as a prisoner. The pension files show an impaired respiratory system, for which claimant originally received a pension.

Notwithstanding the improvement in claimant's health, I am of opinion that he will suffer some permanent disability, and this I attribute directly to his experiences in Germany. The salt mines in Germany were the worst of the prison camps, and it is surprising that prisoners, who were forced to spend as

much as 3 years there, came out as well as they did. On the whole, I would recommend a payment to claimant of \$500 with interest thereon at the rate of 5 per cent per annum, from the 10th day of January, 1920, to the date of payment.

ERROL M. McDOUGALL

Commissioner.

OTTAWA, December 3, 1931.

CASE 2024—JAMES BEATTIE

The claimant was a Private in the 3rd Battalion—Regimental number 9769. He enlisted in August, 1914, at the age of 22 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a shell fragment wound in the left thigh and a touch of gas. He was repatriated to England January 13, 1919. He is not in receipt of pension, his application having been rejected. He has appealed. He was married in March, 1919, and has no children. Prior to enlistment, he was employed as a teamster, earning \$11.50 per week, and since his discharge has followed the same occupation, and now earns about \$21 per week. He loses pay when forced to lay off work, approximately three months a year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of proper medical treatment for his wound; that he was beaten with fists, feet and rifle butts, and had seven teeth knocked out. He suffers from severe headaches and injury to his right arm. He asserts that his leg aches continually and that his right hand is troublesome and hinders him in his work.

An analysis of the evidence reveals:—

Claimant spent 6 months in hospital after his capture, for the wound in his thigh. While he complains generally that the treatment was improper, it appears that his leg was dressed and bandaged almost daily. There is nothing in the record to substantiate any claim for disability resulting from inadequate medical treatment. He speaks of an injury to his arm at Langemoor camp due to a beating with rifle butts by the guards, and also asserts that he had his teeth knocked out at the same time. This assault was, on claimant's statement, quite unprovoked. He also complains that he still suffers from headaches, the result of the blows received during the incident related. One other incident is referred to generally, a beating received at a sugar factory. The claim for disability is confined to the headaches and his head. Claimant's story failed to carry conviction and while he may have been roughly handled, I am of opinion that the recital of his grievances has lost nothing in the telling.

The medical evidence in support of the claim is entirely inadequate. A certificate of Dr. W. P. Thomson is filed, to the effect that claimant has "difficulty in holding a job or ordinary labouring work." His percentage of disability is stated at 50 per cent. Claimant's pension files disclose no disability, his general health is declared to be good.

It is obviously impossible to base an award upon the evidence submitted. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 2025—WILLIAM BERTRAM

The claimant was a Private in the 3rd Battalion—Regimental number 9882. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering slightly from gas. He was repatriated to England December 27, 1918. He is not in receipt of pension but has made application therefor. He was married in 1921 and has one child. Prior to enlistment, he was employed as a lumber shipper earning \$14.00 per week, and since his discharge has been employed as shipper, with an ice cream manufacturing concern, earning \$28.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general abuse and permanent injury to his toe, beatings, blows on the head, causing injury, and of being compelled to work when unfit. He now suffers from gastritis, piles, injury to his toe and nervous disorders.

An analysis of the evidence reveals:—

Claimant was held as a prisoner at Giessen for 10 months, where he worked in a stone quarry. His hands became infected and blood poisoning set in. He received no medical attention, was placed in confinement for 13 days, when finally the inflammation burst and the hands healed without any apparent disability. Claimant was sent to Dedeiseim for six weeks, where he complains of general rough treatment. At Lichtenhorst, he was beaten on one occasion. Bohinte was the next camp, where claimant spent the remainder of his captivity, except for the time he was sent to a farm. He complains of being made to wear clogs, while doing farm labour, and that his feet have been permanently injured as a result. He also accuses the farmer of having deliberately dropped a plank on his foot, breaking the great toe, from which he still suffers. He admits, however, that this incident may have been an accident.

The medical record indicates that claimant suffers from choleceptitis associated with gastritis, hæmorrhoids, nerves and injury to great toe. His percentage of disability is stated at 50 per cent. Dr. H. Waddington, who certifies to the foregoing, appeared before the Commission on behalf of claimant. In amplification of his certificate, he finds claimant's chief trouble to be inflammation of the gall bladder associated with gastritis. He speaks also of hæmorrhoids, the injury to the great toe and nervous condition. He finds no disability to claimant's hands and attributes the internal troubles to food conditions.

From a careful review of the evidence I am unable to say that claimant's present disability is the result of maltreatment whilst a prisoner of war. The injury to claimant's toe was of accidental origin. As explained in Opinion annexed to the present report the conditions referred to by claimant were general in nature, and cannot be regarded as maltreatment, within the meaning of the relevant sections of the Treaty of Versailles. If claimant suffers a permanent disability, as he states, his recourse is elsewhere. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 2026—RICHARD BARCLAY

The claimant was a Corporal in the 3rd Battalion—Regimental number 9894. He enlisted in August, 1914, at the age of 37 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering slightly from gas. He was repatriated to England November 18, 1918. He states that he never received a pension, but the military records show that he was at one time in receipt of a pension, which has ceased. He is not married. Prior to enlistment, he was employed with the Massey Harris Company, at a wage of \$14.50 per week and since his discharge was employed with the same company earning \$63.00 every two weeks, until October 1929, when, owing to industrial conditions, the plant partly shut down and he has only been working part time since, at the same rate of pay.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of improper nourishment, improper dental treatment, solitary confinement in cells and punishment barracks. He suffers from serious stomach trouble and jaundice. Had to have an operation for stomach ulcers, which cost him \$325.00. Contracted pneumonia due to his run down condition.

An analysis of the evidence reveals:—

Claimant is an old soldier, having served in previous campaigns. He spent the first 8 months of his captivity at Giessen camp and complains of no particular acts of brutality. He states that his ill-treatment here was "mostly mental", being made to undergo solitary confinement and made to sit upon a stool for long hours. Because he refused to volunteer work (being a non-commissioned officer) he was sent to Hestenmoor camp, where he remained for the duration of the war. His complaint here is that the treatment he received for his teeth, at the hands of a woman dentist, was so bad that his teeth were ruined and he was compelled to go toothless for 18 months; the plate made for him did not fit and could not be used. As a result claimant avers that his stomach has been affected, with consequent reaction upon his nerves.

The medical record in this case is not very satisfactory. Copy of what purports to be a medical certificate is filed, but the original has not, as was undertaken at the hearing, been produced. For reasons which are abundantly clear from claimant's medical history, it was essential that a very clear case should be made establishing the connexity between claimant's present condition and his treatment whilst a prisoner in Germany. Claimant declares that he is not in receipt of a pension, but the files disclose that he did receive a pension for a malady which cannot result from any imprisonment experiences. I hardly think it necessary to enlarge upon this feature of the case.

Having regard to all the circumstances, I am compelled to hold that claimant has not succeeded in making out a case within the terms of the present reference. He has failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2027—FREDERICK W. BARRETT

The claimant was a Private in the 15th Battalion—Regimental Number 27438. He enlisted in August, 1914, at the age of 22 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering slightly from gas. He was repatriated to England December 31, 1918. He is in receipt of a 100 per cent disability pension amounting to \$100.00 per month based on pulmonary tuberculosis. He was married August 6, 1923, and has two children. Prior to enlistment he was employed as a leather worker, earning about \$12.00 a week, and since his discharge he worked for about 6 months in a wallpaper factory, but was obliged to abandon this work and has been receiving medical treatment ever since.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in the salt mines for $3\frac{1}{2}$ years when physically unfit. He was repeatedly beaten and made to do heavy work, suffered from salt sores and received no treatment.

An analysis of the evidence reveals:—

Claimant spent 3 years and 8 months in the ill-famed Beienrode salt mines and was subjected to cruel and inhuman treatment with which we are familiar. (See Case 1875.) He was badly beaten on one occasion as the result of an altercation with a guard, by four sentries, with rubber hose, and after that time received constant ill treatment. In common with other prisoners, claimant contracted salt sores for which he received no treatment. He became more and more emaciated and it is not surprising now to learn that he suffers from pulmonary tuberculosis.

The medical record indicates that claimant suffers from pulmonary tuberculosis. His percentage of disability is stated at 100 per cent. Dr. Forbes Godfrey, who certifies to the foregoing, did not appear before the Commission, but claimant's medical files bear out the diagnosis, and declare the condition to be far advanced.

I have no hesitation in finding, in this case, that claimant has suffered disability as the result of maltreatment whilst a prisoner of war. As explained in Opinion annexed to the present report, the lot of those prisoners who were condemned to serve time in the salt mines was most pitiable and I have yet to find a claimant, who experienced this hardship, who has not suffered disability. I would, accordingly, recommend a payment to claimant of \$1,200, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 2028—JOHN BALL BAILEY

The claimant was a Private in the 15th Battalion,—Regimental number 27159. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a flesh wound in the foot and from gas. He was repatriated to England December 31, 1918. He is not in receipt of a pension nor has he any intention of applying therefor. He was married June 2, 1920, and has no children. Prior to enlistment, he was a railway switchman earning \$130.00 per month and since his discharge has been employed with the Canadian National Railways, earning about \$140.00 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general abuse, beatings, exposure, excessive punishment in the salt mines where he spent three years and five months.

An analysis of the evidence reveals:—

Claimant is one of the few prisoners who experienced conditions in the Beienrode salt mine for 3½ years and came out apparently with little disability. He presents a very rugged appearance still and must have been endowed with a great reserve of vitality and vigour to stand the strain as he did. Sent first to Gottingen, then to Celle-lager, he has little to complain of. At the Beienrode salt mines he tells the familiar story of cruelty and deprivation accompanied by beatings and brutality of the most violent nature. His own story is very modestly told, but a fellow prisoner (T. J. Noon, Case 2083), corroborates his statements and adds a fund of detail as to the particular hostility which claimant seemed to arouse in his guards, with resultant maltreatment. He was tied to posts for long periods as a punishment for minor infractions of discipline, and made to go barefoot for 6 months. Claimant himself deprecates his disability and declares that he has not applied for a pension because "I don't suppose I am in bad enough shape for one now". It is his stomach condition which still troubles him and Dr. George Penney, who testified before the Commission regards his condition as more serious than claimant will admit.

The medical record indicates that claimant suffers from gastritis and bronchitis. His percentage of disability is stated at 20 per cent in his own calling and at 50 per cent in the general labour market. It will be seen, therefore, that Dr. Penney, who certifies to the foregoing, takes a more serious view of claimant's condition than does claimant himself. In his testimony, Dr. Penny states that he knew claimant before the war, when he was a strong, robust man, and that, while he may now appear in good health, his health has been impaired. There has been some improvement in later years but the patient still has lassitude and weakness at times.

I was favourably impressed with the manner in which claimant gave his testimony and his frankness in making light of his trouble is as unusual as it is deserving of close scrutiny. Having regard to the observations contained in Opinion annexed to the present report, relating to the ill-famed salt mines, I am of opinion that claimant has made out a case of disability resulting from maltreatment whilst a prisoner of war. I would, accordingly, recommend a payment to him of \$800.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDUGALL,

Commissioner.

OTTAWA, December 2, 1931.

CASE 2029—FREDERICK JAMES BRIDGMAN

The claimant was a Private in the 75th Battalion,—Regimental number 803089. He enlisted in March 1916, at the age of 24 years. He was taken prisoner July 29, 1918, unwounded, but slightly gassed. He was repatriated to England November 30, 1918. He is not in receipt of pension but has made application therefor. He was married early in 1917 and has nine children. Prior to enlistment, he was employed as a butcher earning \$12.00 per week, and since his discharge, he went into the butcher business for himself and manages to get along, although he says he is obliged to hire an assistant to do work which he otherwise could do himself, if his health permitted.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general ill-health due to abuse, beatings, starvation diet.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about four months. Apart from general food conditions, he complains only of two incidents of maltreatment, both at Friederichshaven camp. He was slapped in the face, kicked in the stomach by a German sergeant and made to stand at attention for long hours, when recaptured after an unsuccessful attempt to escape. On another occasion he was struck on the head with the butt of a rifle because he was not working fast enough. He speaks generally of nervousness, a chest condition and some digestive disturbances as resulting from these experiences.

The medical record indicates that claimant suffers from chronic colds and bronchitis, general neurasthenia, defective memory, profound depression, indigestion and constipation. His percentage of disability is stated at 50 per cent. Dr. W. H. Cameron, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, all systems having been declared to be normal upon discharge from the service.

This case should never have been advanced before this Commission. Claimant could not expect to be treated with consideration by his captors and the recital of his grievances, having regard to the abuse and cruelty to which other prisoners were exposed, leaves the conviction that he has entirely misapprehended the purpose and scope of the activities of this Commission. He has failed to show a present disability resulting from maltreatment whilst a prisoner of war. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 2030—ALFRED GEORGE BLAKE

The claimant was a Private in the 3rd Battalion—Regimental number 9649. He enlisted in August, 1914, at the age of 40 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, and according to the military records, was suffering from a shrapnel wound in the right cheek at the time of capture, although in his evidence he says this slight wound was received after capture. He was repatriated to England March 13, 1918, after spending two weeks in Holland. He is not in receipt of pension, but has made application therefor. He was married March 29, 1911, and has three step-children. Prior to enlistment, he was employed as a restaurant manager, at \$25 per week with meals and a free apartment, and since his discharge he has been a motorman on the Toronto street railway, earning 60 cents per hour for an eight-hour day.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of unjustified confinement affecting his nerves, lack of medical attention, deliberate cruelty in lancing boils which has set up a permanent infection and skin trouble. He suffers with erysipelas and generally lowered resistance due to his imprisonment.

An analysis of the evidence reveals:—

Claimant told his story with reluctance, the recital appearing to arouse emotions which had been long dormant. From Roulers, he was taken to Giesen camp, where he speaks of the treatment as rough, but is quite frank in stating that brutality could be avoided by obeying orders, and that, generally

speaking, it was the recalcitrant prisoners who brought down upon themselves much of the punishment they received. At Lichtenhorst, forced to work in a nickel mine, he was left for long hours in dungeon like cavities, deep down underground, and suffered intensely from nervousness. He was not beaten but complaints of the inhumanity of these enforced isolations in the mine. His next camp was Bohinte, which he describes as very bad. He was not brutalized himself, but saw a lot of it. At a farm, out of Bohinte, he contracted ringworm and was treated by a German corporal who amused himself lancing the spots on claimant's face, causing him great pain and lasting disfigurement. From Saltau camp, claimant was repatriated to Holland. Claimant's chief complaint is that he still suffers from a skin affection resulting from the poisoning of his system through the unjustified and malicious treatment accorded him by the German corporal who had no medical knowledge and resorted to the practice noted merely to torture claimant.

The medical record indicates that claimant suffers from loss of memory, loss of ability to concentrate; had erysipelas in 1927, and ulcers in September, 1928. His percentage of disability is stated at 20 per cent in his own calling and at 50 per cent in the general labour market. Dr. W. F. M. Adams, who certifies to the foregoing, also appeared before the Commission and testified to the condition of erysipelas in 1927, declared there was no organic nervous change, anything he found was of a functional nature. He could find no physical basis for the alleged loss of memory. Physically, the patient seems well but has some emotional unbalance.

Claimant is, of course, no longer young, and advancing years have not tended—nor will they—to alleviate his general condition. While it may be difficult to establish the connexity between his experiences as a prisoner of war and his present condition, I have reached the conclusion that some, at least, of his disability may be ascribed to the treatment he received at Bohinte, and working commando. I would, accordingly, recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1932, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 3, 1931.

CASE 2031—ROBERT BURLEY

The claimant was a Private in the 14th Battalion—Regimental number 140030. He enlisted August 2, 1915, at the age of 34 years. He was taken prisoner September 26, 1916, unwounded, but had been buried by a shell explosion. He was repatriated to England December 7, 1918. He was at first in receipt of a 10 per cent disability pension which he commuted on October 16, 1920, for \$200. A letter on file from the Assistant Director of Records relative to pension stated that he has since been paid a pension in Class 19 from September, 1920, to June 30, 1929, and from July 1, 1929, to the present time at Class 20. This is based upon Rupture Rectus Femoris Muscle, right thigh, Sycosis. The question of a pension for bronchitis is still under consideration. He was married at the time of enlistment and had then three children, and has had three more since the close of the war. Prior to enlistment, he was employed as a stonemason, earning 45 cents an hour on an 8 hour day, and since his discharge he followed his trade for a time but had to abandon it because of his injuries, and since then has been doing general labour.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury to his thigh, denial of treatment therefor, that he was struck with rifle butts, made to do heavy labour and generally abused.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at Dulmen and Hagen camps. It is of the latter that he complains, where he was compelled to work in a munitions plant. He declares that he was thrown from a wagon upon which he was working, injuring his leg. When confronted with the statement contained in his medical history files, that the origin of his thigh injury was a fall into an excavation, claimant does not furnish a very convincing explanation of the discrepancy between the two stories. He speaks of another injury received when hit over the back of the neck with a rifle butt, but it develops that this was during the course of a struggle with the guard. This blow is said to have caused a tumour, for which he was later compelled to undergo an operation. These are the only incidents of maltreatment stressed by claimant, but he does complain of the bad food, with consequent damage to his stomach and nerves. In addition, a skin eruption and bronchitis are attributed to his treatment whilst a prisoner.

Claimant brought forward no medical evidence, and relies upon his pension file to establish his present condition. The nasal and skin ailments are shown to have probably been of pre-war origin, with possible aggravation due to service. The injury to the leg is reported as the result of an incident—fall into an excavation. Some slight bronchitis is said to be present but involving no disability.

Claimant's testimony does not carry conviction. When checked as to the accuracy of his statements, he does not succeed in dispelling the doubt created by his evident desire to "make a good story." If claimant suffers any disability at the present time, his recourse is before the Board of Pension Commissioners. He has failed, before this Commission, to show maltreatment resulting in disability. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 9, 1931.

CASE 2032—ERNEST COMINS

The claimant was a Private in the 3rd Battalion—Regimental number 10013. He enlisted in August, 1914, at the age of 19 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded. He was repatriated to England on December 28, 1918. He is not in receipt of disability pension, but has an application pending. He was married in November, 1920, and has two children. Prior to enlistment, he was a bread salesman, at \$22.00 to \$25.00 per week and is still so employed, at \$22.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complain of blows, that he was tied to posts as punishment, that he was beaten into unconsciousness and received inadequate medical attention.

An analysis of the evidence reveals:—

Claimant was first a prisoner at Giessen camp where, for refusing to work, he received a blow on the elbow from the butt of a rifle, as a result of which he spent six weeks in hospital. No permanent disability results from this injury. He also speaks of having been tied to a post for four hours a day during 14 to 16 days with his toes just touching the ground. Claimant was then sent to a number of camps for short periods, passing through Saltau, Lichtenhorst, Bohinte and was finally made to work in a sugar factory at Grossenweidenmoor. Here he was employed firing boilers for the machinery in the sugar factory.

The work was particularly arduous and his hands became so badly blistered that he could scarcely carry on. Compelled to do so, he worked till he collapsed, was revived with water and rifle butts. Made to continue work, he collapsed again and his blistered hands became infected, after which he was nine months in hospital at Saltau. While the medical treatment was not satisfactory, his hands gradually healed. He was sent to a farm where the conditions were not as harsh. As a result of this experience, he complains that his nerves are in bad condition and that the middle finger of his left hand is disabled.

The medical evidence indicates a number of ailments, namely, mal-formed tip of the great finger of the right hand, ascribed to infection, recurrent attacks of bronchitis, periodic attacks of indigestion and inability to control his nerves. His percentage of disability is stated at 15 per cent. Dr. Alvin Martin, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history sheets show no disability and declare all systems normal.

Claimant's testimony was given in a very frank and convincing manner and I have no reason to doubt the exactness of his recital, as to conditions and the work he was required to do in the sugar factory. I am of opinion that he has made out a case of maltreatment, in any event insofar as the injury to his right hand is concerned, which now constitutes some disability. Viewing all the circumstances, I am of opinion that claimant is entitled to an award. I would, accordingly, recommend payment to him of \$500.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 3, 1931..

CASE 2033—RICHARD EUGENE CODRESCO

The claimant was a Private in the Princess Patricia Light Infantry Battalion—Regimental number 23637. He enlisted in August, 1914, at the age of 25 years. He was taken prisoner May 8, 1915, at Polygon Wood, suffering from gunshot wounds in the right thigh and chest. From a medical report on file, it would appear that the leg was blown off after capture while claimant was being carried back on a stretcher. Was released August 25, 1915, on an exchange of prisoners and repatriated to England. He is in receipt of an 80 per cent disability pension, amounting to \$115.00 per month, for himself and family, based on the loss of his right leg. He was married in October, 1917, and has four children. Prior to enlistment, he was employed with a contracting firm earning approximately \$250.00 per month, and since his discharge was with the Customs Office in Toronto, earning \$1,300.00 per annum. He states in his evidence that he was unemployed at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of cruel treatment while in hospital and that his leg was amputated without anaesthetic, the amputation, he alleges, being unnecessary. Was also beaten and tortured in another German hospital. The gist of his complaint is that after being wounded, he received inadequate medical attention, his leg was removed without his consent, and against his will, without anaesthetic.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about four months, which time was spent in hospital at Iseghen and later at Ghent. His complaint is confined to accusations of malpractice and medical ill-treatment on the part of the Ger-

man medical authorities who attended him. The story which he tells is so amazing as to tax one's credulity, and claimant's credibility is very seriously impugned by direct contradictions between his testimony under oath and statements made by him and appearing in his medical history files. It is only necessary to contrast these statements in order to judge of the unreliability of the claimant.

In the medical report given at Shorncliffe Hospital on October 22, 1915, appears the following notation of claimant's case:—

On May 8 while cutting barbed wire entanglement was hit in right knee by bullet. Lay two days between trenches. Was then picked up by German stretcher bearers and while being carried was hit by shrapnel, *blowing off right leg*. Six hours later was taken to Tsegum (Iseghen) and on May 10 leg was amputated, flaps left open. Went to Ghent June 16, Aiz la Chappelle August 23. On August 25 exchanged. Sent to London Hospital, then Bromley. Shorncliffe Military Hospital September 29.

In his evidence before the Commission, claimant declares that the wounds from which he suffered were two shrapnel fragments—one in the back and arm and also in the right leg. He admits, as declared in his original statement, that he lay in No man's Land for two or three days. He declares that when he was taken to the first hospital they left him without any attention for two or three days and it is his reiterated statement that his leg was not off and that the wounds from which he was suffering were only flesh wounds. He goes on to describe torture by the attending physician and orderlies, but admits that his leg was placed in a plaster cast and that apparently some extension treatment was given to it. It is significant in this portion of his evidence that he admits that when being carried back on a stretcher he was hit in the arm.

Continuing to describe his treatment, claimant says that he refused morphine injections for the pain from which he was suffering and then, because he was making so much noise in the hospital ward and protesting so vigorously about his treatment, that the attending surgeon (Dr. Hannen) threatened that they were going to take his leg off. He considers that he was the object of particular vindictiveness because he was not an Anglo-Saxon. Finally, he declares that six guards came to his cot, lifted him bodily and carried him away, having first given him an injection over the left breast which paralyzed him completely. As a matter of fact, an operation appears to have been performed, and he declares that his leg was taken off without his consent and without proper anaesthetic, although the record would appear to indicate that he got, not only local, but also general anaesthesia.

Dealing with this feature of the case, it will be seen that there is an absolute contradiction between claimant's original statement made in hospital in England and in the statement now made before this Commission. It is quite possible, as he now says, that his leg was operated upon as the result of the jagged wound left when he was hit by a shell on the way back from the front and, in the alternative, if his later story is correct, I am not convinced—quite the reverse—that the treatment which he received was not the proper treatment for his wounded leg. It is impossible to say now, at this late date, whether the leg should, nor should not, have been amputated and claimant has entirely failed to establish any malpractice on the part of the attending surgeons.

It is also clear from his evidence that claimant is most intractable and violent, as is witnessed by an incident which occurred at Christie Street Hospital where he was admitted for an attack of tonsillitis. Because a nurse brought him a tray of food which he says it was obvious he could not swallow, he deliberately kicked the tray from her hands and created an uproar in the hospital.

Claimant was taken to a hospital in Ghent where he remained until August and complains of further maltreatment on the part of the hospital attendants. He also spoke, very confusedly, of another occasion on which the orderlies or physicians threatened to cut off his arm.

Under cross-examination, claimant considerably moderated his statement as to the brutality received.

The medical record indicates that claimant has received some hospitalization for myalgia and shrapnel wounds in the right forearm, apart from the loss of his leg and, as above stated, is in receipt of pension. In addition, he has filed a certificate of Dr. R. E. Davis, which merely shows that the leg had been amputated and fixes the percentage of disability at 75 per cent in claimant's own calling and at 100 per cent in the general labour market.

In this state of the record and in view of the contradiction which exists in the testimony, I am compelled to discount the story told by claimant and to regard the recital of his alleged maltreatment as exaggerated and highly coloured. Temperamentally, claimant is of the emotional and excitable type and may, quite unconsciously, believe that the grievances, of which he speaks, existed in fact. Claimant lost his leg and is in receipt of a pension therefor. He has completely failed to show that his present disability has resulted from any maltreatment whilst a prisoner of war. I specifically refrain from comment as to other features of the case which appear of record. In these circumstances, the claim must be disallowed.

ERROL M. McDUGALL,

Commissioner.

OTTAWA, December 4, 1931.

CASE 2035—ALBERT EDWARD CROSS

The claimant was a Sergeant in the 2nd Battalion—Regimental number 8045. He enlisted in August, 1914, at the age of 31 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from shrapnel wound in left arm and right leg, also a touch of gas. He was repatriated to England November 21, 1918, having first been released to Holland in March of that year. He is not in receipt of pension, but has an application pending before the Board. He was married at the time of enlistment and has four children. Prior to enlistment, he was employed in the machine shops of the Canada Furniture Mfg. Co., at \$25.00 per week, and since his discharge has been employed as a messenger, at \$25.00 per week. He found that he could not stand the strain of working with machinery.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in the stone quarries, being beaten, placed in solitary confinement, stabbed with bayonet, given punishment drill and lack of food. He now suffers from impaired vision, stomach trouble, nervousness and general debility.

An analysis of the evidence reveals:—

Claimant is an old soldier, who saw service in South Africa. His first complaint is that he received no medical attention for his wounded arm, although he was in hospital at Giessen after capture. This claim is not however, pressed as constituting maltreatment. He declares that for refusing to work, he was threatened that he would be shot, and was hit with rifle butts and even received a bayonet wound in the thigh, and points to scars as substantiating this incident. It is significant, however, that his identification marks in his attestation papers, refer to a scar apparently at the same spot but, I am advised, that the appearance of the second scar on the right thigh might bear out claimant's statement as to its origin. Eventually claimant got to Grossenweidenmoor, where he complains of enforced exercise drill, marching around the parade grounds for hours.

He was hit on the back on several occasions and made to stand facing the sun, seemingly for refusing to volunteer to work. Suffering from fever, he received no medical attention. He complains that his eye-sight has been impaired, that he has stomach trouble and digestive disturbances.

The medical record indicates that claimant suffers from an impaired digestive system—tenderness over epigastrium—poor appetite—constipation succeeded by diarrhoea and passing of slimy and bloody stool—colitis, nervous tremor of hands, impaired vision. His percentage of disability is stated at from 30 per cent to 40 per cent in his own calling, and at 50 per cent to 60 per cent in the general labour market. Dr. A. E. Sutton, who certifies to the foregoing, appeared before the Commission. His only examination of claimant was made shortly before the hearing. Claimant is underweight, has impaired vision and neurosis (possibly traumatic in origin). Claimant's medical history files disclose nothing unusual.

While there is some question as to whether claimant's disabilities result from maltreatment, I think it may be said that the injury to his thigh may be so regarded. I am disposed to give him the benefit of the doubt and to find that he suffers some disability resulting from maltreatment whilst a prisoner of war. I would, accordingly, recommend a payment to him of \$500.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 2036—ANGUS CAMPBELL

The claimant was a Corporal in the 4th C.M.R.—Regimental number 109256. He enlisted April 12, 1915, at the age of 25 years. He was taken prisoner June 2, 1916, at the battle of Mount Sorrel, unwounded. He was repatriated to England December 27, 1918. He is not in receipt of pension, his application having been rejected. He did not appeal. He was married at the time of enlistment and has three children. Prior to enlistment, he was employed as a stationary fireman earning \$21.00 per week, and since his discharge has been driving a motor coach for the Toronto Transportation Commission, at \$30.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of severe beatings and solitary confinement for attempting to escape, heavy farm labour, blows, exposure and abuse. He now suffers with a skin disease known as psoriasis, chronic bronchitis and permanent injury to his toes.

An analysis of the evidence reveals:—

Claimant spent the first few months of the period of his captivity at Dulmen and Minden camps, where he does not complain of the treatment received, except in regard to general food conditions. Claimant was then sent to a non-commissioned officers camp at Hestenmoor. For refusing to volunteer to work, he was punished, with other prisoners, by being made to parade eight hours a day. Claimant then complains of maltreatment in regard to beatings which he received after attempts to escape. The first attempt was made from a farm near Minden. Besides being court martialled and condemned to serve solitary confinement, he was beaten and knocked down and hit on the feet with the butt of a rifle and still suffers from his toes. Claimant served solitary confinement at Saltau camp and was sent to Norden, an island in the North Sea, where he received an even worse beating for a further attempt to escape. As a result of these experiences, claimant's health has been generally weakened.

He suffers from a skin disease, which he attributes to the poor food, and also complains that his nervous system has been seriously impaired. It is his pretention that the punishment received for trying to escape went beyond reasonable bounds, although he admits he expected to be punished and roughly treated, upon recapture.

The medical evidence indicates that claimant suffers from neuritis in the right shoulder, psoriasis and painful feet. His percentage of disability is stated at 50 per cent in his own calling and at 20 per cent in the general labour market. Dr. F. S. Park, who certifies to the foregoing, did not appear before the Commission. Claimant's last medical report, upon discharge from the service, declares "all systems normal" and his pension file shows no disability.

Claimant undoubtedly received rough treatment whilst a prisoner of war but, after very careful consideration of the evidence, I have reached the conclusion that he has failed to discharge the burden of showing that his present disability results from maltreatment whilst prisoner of war. That he invited or provoked particular punishment for his attempts to escape is clear, but I do not think that he has succeeded in establishing that he was disabled as a result of the punishment received upon recapture. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 9, 1931.

CASE 2037—VICTOR WILLIAM COUCHE

The claimant was a Corporal in the 75th Battalion—Regimental number 139545. He enlisted July 23, 1915, at the age of 34 years. His attestation paper indicates that he was 30 years of age on enlistment. He was taken prisoner April 9, 1917, having previously been wounded with shrapnel in the right shoulder. He was repatriated to England January 10, 1919. He is not in receipt of pension but has an application pending. He was married in 1919 and has one child. Prior to enlistment, he was employed as a teamster, earning \$15.00 per week, and since his discharge was employed as assistant to a steam fitter, getting \$18.00 per week. He was unemployed at the time of the hearing.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general physical abuse. Was struck by a guard and had his nose broken and four teeth knocked out. Was compelled to stand at attention for two hours in the rain and was subjected to 10 days solitary confinement on bread and water. He now suffers from rheumatism and a bad heart condition.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 20 months. He complains bitterly of the first eleven days, spent at Fort McDonald, in Lille, where with other prisoners, he was thrown into a dungeon, under unhygienic conditions, and denied food and exercise. He was then sent for a short time to Giessen, where the hours of work were very long, but there was no physical abuse. At Altdamm, claimant refused to do the work required of him, and declares that he was struck in the mouth, losing his front teeth, and was also battered on the nose, breaking it. He was also made to stand at attention before a clock for two hours. Removed to an officers' camp on an island in the Baltic, he has no complaint as to his treatment there. He complains of his stomach, heart condition, nerves and rheumatism. Upon repatriation, at Ripon, claimant made a statement to the authorities. He makes no mention of any personal abuse, and confines his complaints to the inadequacy and quality of the food.

The medical record indicates that claimant bears the evidence of a broken nose and missing teeth, that he suffers from nervousness, rheumatism, and has a heart affection. His percentage of disability is stated at from 50 per cent to 75 per cent. Dr. W. K. Fenton, who certifies to the foregoing, appeared before the Commission. He had only seen claimant once and was not very definite as to his condition. He regards the case as purely neurasthenic with some stomach trouble, but is unable to say whether these disabilities result from war service.

In this state of the record, particularly having regard to the statement made by claimant upon repatriation, and the unsatisfactory nature of the medical evidence, I do not consider that claimant has established the necessary elements to entitle him to an award. He has failed to show a present disability resulting from maltreatment whilst a prisoner of war. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 2038—GEORGE CHAPPELL

The claimant was a Private in the 36th Battalion, and went to the front with the 4th C.M.R.—Regimental number 406977. He enlisted May 13, 1915, at the age of 17 years. He was taken prisoner June 2, 1916, during the battle of Mount Sorrell, and states that he was wounded by shrapnel in the face and left shoulder. He was repatriated to England December 27, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$15 per month, based on neurosis. Prior to enlistment, he was employed as a plumber's apprentice earning \$6 per week, and since his discharge he has unsuccessfully tried to resume his trade. He then worked as a clerk in a shoe store, for 6 years, and is now in the shoe repairing business for himself, averaging about \$18 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having to work in the coal mines for two years, where he was struck and also suffered an accidental injury to his knee. He suffers from nervous trouble and stomach disorders to the extent that his earning capacity has depreciated 50 per cent.

An analysis of the evidence reveals:—

Claimant spent a large part of his period of captivity working in coal mines at Wittenberg. Previous to that time he was at Stendal, and has no complaint to make as to the treatment. On one occasion at Wittenberg, he was struck over the back of the head with a rifle butt by the guard for smoking contrary to regulations. He declares that he still feels the effects of this blow. Long hours and poor food are stressed as being particularly bad. On another occasion, claimant injured his knee while carrying a rail, was denied medical attention and forced to resume work while still suffering from the injury. No permanent injury has remained. He complains chiefly of his nervous condition which incapacitated him. He receives pension for this ailment.

The medical record indicates that claimant sustained an injury to his head and suffers from general weakness and debility with cardiac involvement, and neurosis. His percentage of disability is stated at 75 per cent in his own calling and at 90 per cent in the general labour market. Dr. C. H. Brereton, who certifies to the foregoing, appeared before the Commission. He knew claimant before the war and declares that he was in excellent condition and is now in very poor

health—his nerves and heart being chiefly affected. Dr. Brereton is of opinion that the present condition results from claimant's experience in Germany. There is also on file report of Dr. E. P. Lewis supporting this view of claimant's case.

There is no doubt that claimant is in poor health at the present time, and I think it has been shown that this condition results from treatment he received whilst a prisoner of war. It is difficult, perhaps, to trace the precise connexion between cause and effect, but on the whole I have reached the conclusion that it exists and that claimant should receive an award. I would, accordingly, recommend payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, November 30, 1931.

CASE 2039—JOSEPH GEORGE EDWARD CRANE

The claimant was a Private in the 15th Battalion—Regimental number 27877. He enlisted in August, 1914, at the age of 18 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering slightly from gas. He was repatriated to England December 31, 1918. He is not in receipt of pension nor has he made application therefor. He was married July 10, 1920, and has five children. Prior to enlistment, he was an apprenticed compositor earning \$7 per week and since his discharge has taken a course of training as a monotype operator and now earns \$38 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard labour in the salt mines, starvation, punishment and that he suffers from nervous shock due to an accident which occurred in the mine where he narrowly escaped death. He also suffers with rheumatism due to the conditions at the mines.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen, but was soon sent on to the notorious Beienrode salt mines, where he spent 3 years and 8 months. Claimant is one of the few prisoners from this camp, heard by the Commission, who speaks moderately of the conditions and treatment—the others have been most vigorous and bitter in their denunciations of the physical abuse to which they were subjected by their captors. It may be that claimant's slight stature and placative manner assisted him in avoiding punishment. He does speak of some rough handling, but he has no serious complaint of maltreatment. The incident referred to by claimant in his statement of claim of an accident which endangered his life is not mentioned. He attributes a nervous condition from which he suffers to his experiences in Germany and an impaired digestive system to the poor and inadequate food received.

The medical record indicates that claimant suffers from duodenal ulcer and neurasthenia. His percentage of disability is stated at 20 per cent in the general labour market. Dr. W. G. Macdonald, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files reveal nothing unusual, all systems being declared normal.

That claimant should have escaped the cruel and inhuman treatment accorded to other prisoners in the salt mine is surprising. Having regard to the observations contained in Opinion annexed to this report, I am inclined to think that claimant has made little of his experiences. Were it not that he served so

long a time in these mines, on the record, as it stands, I would not consider him entitled to an award. Not without hesitation, but after full consideration, I have reached the conclusion that claimant sustained some disability as a result of his experiences at Beienrode salt mines. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 2040—ENOS COOPER

The claimant was a Private in the Princess Patricia Canadian Light Infantry Battalion—Regimental number 51111. He enlisted November 10, 1914, at the age of 39 years. He was taken prisoner May 8, 1915, unwounded but suffering from gas. He was repatriated to England January 1, 1919. He is in receipt of a 25 per cent disability pension, amounting to \$18.75 per month and received relief for four months, amounting in all to \$30.00 per month. The pension is based on bronchitis. He is unmarried. Prior to enlistment, he did contract work in the United States, earning about \$20.00 per week, and since his discharge he has tried odd jobs of light work, but does not average more than \$50.00 a year.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was struck on the head with a bayonet immediately after capture, received blows in the face, was starved and made to work when unfit.

An analysis of the evidence reveals:—

Claimant is an old soldier, having served with the Imperials in the South African war. Taken first to Giessen Camp he refers to the treatment as "pretty good." Sent to a punishment camp, Osterenzermoor, (sic) for refusing to work at Giessen, claimant was hit in the mouth with the butt of a rifle, breaking six teeth, for not working fast enough to suit his guards. He was in hospital for a time with bronchitis and complains that he received no medical attention. On another occasion, at a cement factory, claimant declares that he was hit over the leg with a red hot poker in the hands of a guard. He was burned, but his wounds have healed and leave no disability. He complains of his bronchial condition, (tests for tuberculosis have proved negative) loss of teeth and a skin disease from which he still suffers. These various ailments are ascribed to his experiences in Germany as a prisoner.

The medical record indicates that claimant suffers from psoriasis and chronic bronchitis. His percentage of disability is stated at 50 per cent in his own calling and at 40 per cent in the general labour market. Dr. C. E. Cooper Cole, who certifies to the foregoing, appeared before the Commission at claimant's request. He confirmed his certificate, declaring the bronchitis to be of moderate severity, with certain indeterminate manifestations. The psoriasis is noted as a minor disability. Dr. Cooper Cole was inclined to think that claimant's condition could well result from the history of the case given him.

Claimant is now a man of 54 years of age, and, unfortunately, must expect some diminishment in his physical vigour, particularly after at least two campaigns, as a soldier, to his credit. He tells an impressive story of the abuse

to which he was subjected whilst a prisoner of war, and I have reached the conclusion that claimant did suffer maltreatment whilst a prisoner of war with some resultant disability (notably the teeth). I would, accordingly, recommend a payment to him of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 3, 1931.

CASE 2041—PHILIP SYDNEY CONIBEAR

The claimant was a Private in the 15th Battalion—Regimental No. 27875. He enlisted in August, 1914, at the age of 19. He was taken prisoner 24th of April, 1915, at the second battle of Ypres, unwounded but gassed. He was repatriated to England on the 13th of December, 1918. He is in receipt of a disability pension amounting to \$19.50 per month, based on "bronchitis." He was married on the 4th March, 1919, and has two children. Prior to enlistment, he was a Customs Broker, at a salary of \$85.00 per month. Since his discharge he was employed for a time in a rubber works, and is now caretaker in a school, at \$20.00 per week.

He alleges that while prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being made to work in the salt mines, lack of medical attention for salt sores, starvation and general abuse.

An analysis of the evidence reveals:—

Claimant was in hospital at Giessen suffering from the effects of gas. The treatment was fair though the method of inoculation for cholera was rough. Taken to Gottingen, he has no particular complaints of maltreatment. Sent via Celle-lager to the notorious salt mines at Beienrode claimant speaks of being denied treatment for salt sores or boils and being made to work when suffering from this condition. In the mines he was struck frequently and refers to blows received as of daily occurrence. On one occasion he was hit on the head with a miner's lamp because he was not working fast enough to suit the guards. He attributes a present nervous condition to the malnutrition and hard labour imposed upon him at this time, together with lack of medical treatment.

The medical record indicates that claimant suffers from chronic bronchitis and a nervous condition. His percentage of disability is stated at 100 per cent in his own calling and at 80 per cent in the general labour market. Dr. H. R. Adams, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show the bronchial condition. In other respects there is nothing unusual in the case.

Claimant did not create a very favourable impression before the Commission, a certain truculence of manner rather leading to the conclusion that, if adopted whilst a prisoner, it would inevitably arouse the vindictiveness of his guards. Be this as it may, having regard to claimant's enforced stay in the salt mines, (see case No. 1875—opinion annexed to present report) I am inclined to give him the benefit of the doubt, and while the evidence is not strong, to find that he suffers some disability resulting from maltreatment whilst a prisoner of war. I would, accordingly, recommend a payment to claimant of \$700.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 2, 1931.

CASE 2042—JOHN CODY

The claimant was a Corporal in the 3rd Battalion—Regimental number 63207. He enlisted October 26, 1914, at the age of 28 years. He was taken prisoner October 30, 1915, unwounded. He was released to Holland in March, 1918, and repatriated to England November 23 of that year. He is not in receipt of pension, but has an application pending before the Board. He was married December 21, 1918, and has four children. Prior to enlistment, he was employed in the United States as a railway brakeman, earning about \$25.00 per week, and since his discharge has been employed with the Rogers Majestic Radio Co., at a salary of \$30 a week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was compelled to work, although he was a non-commissioned officer, was knocked around with rifle butts and the flat side of a sword; compelled to do punishment drill at night and was tied by the wrists. He now suffers from general debility due to over-work, exposure, punishment and lack of nourishment.

An analysis of the evidence reveals:—

At Munster camp, where claimant was first taken, he refused to work grooming horses, on the ground that he was an N.C.O. He was beaten, kicked and hit across the face with the flat of a sword, and was even threatened with shooting. Another beating resulted from an altercation with an officer, who was ill treating another prisoner. Claimant was then sent to the coal mines, near Aschen, for a period of from 4 to 6 months. For refusing to work, he was beaten, made to stand to attention for long hours, and was tied to the wall by the wrists with his arms spread out and his feet barely touching the ground. This went on for from 8 to 10 hours a day. Condemned to dungeons, back of the coke ovens, where the heat was intense, claimant finally decided to work. He was sent to Senne-lager. Claimant complains of bronchitis, weakened back and stomach condition.

The medical record indicates that claimant suffers from general debility. His percentage of disability is stated at 100 per cent in his own calling and at 100 per cent in the general labour market. Dr. W. F. M. Adams, who certifies to the foregoing, appeared before the Commission. He found claimant suffering with his nerves, and describes him as "only half a man". The condition appears to be quite general without any particular localized disability. Claimant's medical history files show nothing unusual.

I am inclined to think that claimant may have overdrawn the picture of the hardships endured whilst a prisoner, but I am of opinion that he has made out a case of maltreatment resulting in some disability. Some of his misfortunes may have been provoked, but I regard the punishment meted out to him as unreasonable. In the result, claimant has proved the necessary elements to entitle him to an award, and I would recommend a payment to him of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from the 10th day January 1920 to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 2043—ARCHIBALD COOKE

The claimant was a Lance Corporal in the 2nd Battalion—Regimental No. 8172. He enlisted in August 1914 at the age of 19 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 7, 1918. He is not in receipt of pension, his application having been rejected. He is not married. Prior to enlistment, he was attending school, and since his discharge he has had various occupations, ranging from cigar store clerk to hotel clerk, earning from \$27.00 per week to \$15.00 per week and meals, at the present time.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of heavy work, beatings, confinement to cells, starvation and general abuse. He now suffers severely from stomach trouble and nervous disorders.

An analysis of the evidence reveals:—

Claimant's period of captivity was spent at, or attached to, Giessen camp. He, with others, was threatened with a firing squad for refusing to salute German N.C.O's. He refused to work on several occasions, and even went the length of inflicting wounds upon himself to escape work. He speaks of being beaten for these refusals to work and of being confined in solitary cells. For attempting to escape, he received similar punishment, but admits that no permanent injuries resulted from any of the beatings. His main complaint is as to the shortness of food and the heavy labour, which, he asserts, at his age, and in his inexperience, injured his health. His nerves have been affected and his stomach gives him some trouble.

There is no medical evidence of record—not even the usual certificate of a physician. Claimant's last medical board, upon discharge from the service, shows "all systems normal".

In this state of the record it is obviously impossible to arrive at a finding in claimant's favour. He has shown no disability resulting from maltreatment whilst a prisoner of war. Possibly he shares, with many others, the view that the mere fact of imprisonment under conditions of poor food and rough treatment, is alone sufficient to entitle him to an award. For reasons explained in Opinion annexed to the present report, such view is without merit. The claim must, accordingly, be disallowed.

ERROL M. McDUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 2045—GEORGE SPARKS DAY

The claimant was a Corporal in the 4th C.M.R.—Regimental number i09298. He enlisted November 28, 1914, at the age of 22 years. He was taken prisoner June 2, 1916, at Sanctuary Wood, suffering from a slight wound in the left shoulder and a touch of gas. The military report on file has no record of his having been wounded when captured. He was repatriated to England January 2, 1919. He received a small pension at first, which he commuted for \$50.00. He was married in August 1923 and has three children. Prior to enlistment, he was a school teacher, earning about \$1,000.00 per annum, and since his discharge he attended university until 1923 and now holds a position of High School teacher, at a salary of \$3,300.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work while unfit, exposure to the cold, confinement to cells and unfairness in refusal to recognize his rank.

An analysis of the evidence reveals:—

Claimant has no particular complaint to offer as to his first two prison camps, Dulmen and Minden, covering roughly the first year of his captivity. At Saltau, succeeded by Hestenmoor, his rank of corporal was not recognized and he was compelled to work. He also received abusive treatment from the German N.C.O. in charge and spent about 43 days in cells for minor infractions of discipline. The only incident of actual physical abuse of which he speaks is a punishment of being made to stand naked in an unheated shed in November, for the greater part of a day. He missed his exchange to Holland early in 1918 through the vindictiveness of the German N.C.O. referred to, who purposely withheld information as to claimant's rank. He complains of nervousness and inability to sleep.

The medical record indicates that claimant suffers from insomnia, chronic gastritis, nervousness and general debility. His percentage of disability is stated at 40 per cent in his own calling and at 75 per cent in the general labour market. Dr. J. Gillies, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show a slightly hypocondriacal condition, which may have been of pre-war origin, but which was aggravated upon service. This condition developed after his repatriation to England.

The maltreatment in this case did not take the form of physical abuse but was largely mental. Smarting under the injustice of the refusal to recognize his rank, claimant's mental balance was, in my opinion, affected, which has had a lasting effect upon his health. Add to that such overt acts of vindictiveness as the incident related of being made to stand naked in the cold, and I consider that a case of maltreatment with some resultant disability has been made out, particularly having regard to the previous experience and calling of claimant. In the circumstances, I conclude that claimant is entitled to an award. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 2047—ALVIN PERCY DUNBAR, D.C.M.

The claimant was a Sergeant in the 15th Battalion, Regimental number 28018. He enlisted in August, 1914, at the age of 29 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering slightly from gas. He was repatriated to England December 5, 1918. He commuted his pension but states that he has a further application pending. He is unmarried. Prior to enlistment, he was engaged in lumbering and prospecting, and earned about \$200 per month. Since his discharge he resumed prospecting, and has earned on an average of \$4,000 per annum. At the time of the hearing he was doing nothing, and declared that he was incapacitated for work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that during his imprisonment severe haemorrhoids developed due to the living conditions. He was

refused medical attention and was confined for an attempted escape and made to work, and was also hit on shoulder, causing injury. His attestation paper indicates a scar under the left shoulder blade.

An analysis of the evidence reveals:—

Claimant was first sent to Gottingen camp, where he developed haemorrhoids, for which he was denied treatment. Transferred to Cassel, claimant has no particular complaint as to the treatment. He attempted to escape, was recaptured, given fourteen days cells and then given the choice of three months further cells or work in a punishment camp, by way of reprisal for reported treatment of German prisoners. He chose cells and endured this punishment for four weeks, when he went to work. Claimant was next sent to Bohinte, where the punishment meted out consisted of long periods of standing to attention. On one occasion, the prisoners were paraded by a drunken officer and, for his amusement, compelled to enter barracks on the double and return on whistle signals. Sentries struck the laggards attempting to pass through the narrow entrances and claimant received a heavy blow on the shoulder from the butt of a rifle. He still suffers from this blow and has not the full use of his arm and shoulder, necessary to him in his calling. A copy of claimant's diary kept during the time of his captivity, contains a record of repeated and constant punishment of being made to stand to attention for long hours. Claimant's main disability at the time of the hearing was from the haemorrhoids which he attributes to the exposure and food conditions to which he was subjected.

The medical records indicate that claimant suffers from haemorrhoids (severe). His percentage of disability is stated at 100 per cent. Dr. Gordon F. Jackson, who certifies to the foregoing, also appeared before the Commission and confirmed the statement that the condition referred to was severe but declared that it was not beyond operative relief and that claimant, in his opinion, could make a complete cure upon successful operation. Claimant's medical history sheets show that he suffered from debility, but the entry appears under date of December 11, 1918, that "he has recovered from his disability and is fit." At the time of the hearing, claimant declared that he had not undergone an operation for haemorrhoids because he could not afford it. On September 20, 1931, he was admitted to Christie Street Hospital in Toronto and underwent a successful operation for this condition, with the result that he is no longer disabled. In a letter, under date of December 22, 1931, he advises that he is resuming his work and has left to take charge of a mining undertaking.

The condition noted constituted claimant's main disability. With its disappearance, his claim before this Commission becomes ineffective. That he was unable to submit to an operation at an earlier date, and sustained loss through inability to work, does not, in my opinion, constitute a good ground of recovery. I do not consider that the claim of maltreatment resulting in disability to his shoulder has been made out. In these circumstances, the claim must be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 21, 1931.

CASE 2048—ROBERT DAVIDSON

The claimant was a Sergeant in the Royal Canadian Dragoons,—Regimental No. 257. He enlisted September 22, 1914, at the age of 29 years. His attestation paper indicates that his age was 19 on enlistment. He was taken prisoner March 24, 1917, on the Narlu-Perron road, unwounded, but lying unconscious, having been struck on the head. He was repatriated to England December 27, 1918. He is in receipt of a 20 per cent disability pension, amounting

to \$26 per month, for himself and family, based on loss of the sense of smell and varicose veins. He was married November 22, 1914, and has two children. Prior to enlistment, he was employed as a stonecutter, earning \$5 per day, and since his discharge has been a street car motorman, earning approximately \$28.50 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of insufficient food, lack of clothing and heat, exposure while working, blows, punishment parades and general abuse. He now suffers with his legs and loss of sense of smell.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 19 months. Taken first to Cambrai, he was transferred to Dulmen. He complains here of numerous inoculations, poor food and that he received no medical attention for dysentery. There was no physical abuse at Dulmen nor at Minden where he was next sent, but at Bohinte where he concluded his period of captivity, he speaks of being hit with the butt of a rifle and of being kicked about. Claimant suffered from the cold, wet feet and long periods of standing to attention, which has resulted in varicose veins and rheumatism. He also says he has lost the sense of smell.

The medical record indicates that claimant has varicose veins in legs and pigmentation, loss of olfactory sense, chronic rheumatism and spells of nervous depression. His percentage of disability is stated at from 25 per cent to 30 per cent. The physician (name indecipherable) who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files disclose nothing unusual. He receives a pension for varicose veins and loss of the sense of smell.

I have been unable to find anything in this record which would justify an award. Claimant's recourse, if any, is before the Board of Pension Commissioners, which has dealt with this case. He has not, in my opinion, shown that his present disabilities result from maltreatment whilst a prisoner of war. It does not follow that varicose veins necessarily result from the treatment related, nor does the loss of the sense of smell seem to flow from any acts of maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDUGALL,
Commissioner.

OTTAWA, December 9, 1931.

CASE 2049—EDWARD EDWARDS

The claimant was a Sergeant in the Princess Patricia Canadian Light Infantry Battalion—Regimental number 39. He enlisted in August, 1914, at the age of 39 years. He was taken prisoner May 8, 1915, at Ypres, suffering with a gunshot wound in the left foot. He escaped to Holland in August, 1916, and was repatriated to England September 16 of that year. He is not in receipt of pension, but intends applying therefor. He was married at the time of enlistment and has three children. Prior to enlistment, he was employed with the Consumers Gas Company, earning 50 cents per hour, and after his discharge was employed by the same company at 60 cents per hour, for an eight hour day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of abuse, long terms of confinement in dark cells, lying on the floor at times, no heat and at others too much heat. Contracted arthritis and nervous disorders. He made two attempts to escape and suffered the usual punishment. Received beatings with rifle butts and was tied to a post with his arms up.

An analysis of the evidence reveals:—

Claimant is an old soldier, having seen service in South Africa. He was a prisoner in Germany for about 15 months, when he escaped upon his third attempt. Taken first to Giessen camp, he has no complaints as to his treatment. In a statement made by the claimant upon repatriation a very full account of conditions at Giessen is given. For an attempted escape he received six weeks confinement to barracks and was made to stand to attention for long hours. Removed to Celle-lager, he declares that, for refusing to work at munitions, he got one month's dark cells. His statement is somewhat at variance with the facts as related in his statement upon repatriation, where he does not refer to himself as having been requested to work on munitions and moreover declares he was at Celle-lager only four days. In other respects, a comparison of claimant's said statement (made on September 20, 1916) with his evidence before the Commission would tend to show that the later testimony has lost in accuracy. Thus, he testifies that he was tied to a post as punishment, apparently at Celle-lager. In his earlier statement he speaks of having seen other men tied up but does not state that he himself underwent this punishment. Another unsuccessful attempt to escape was visited with dark cells at Oldenburg and he would also appear to have been at Vehnemoor for a short time. His uniform was decorated with red rings or stripes to indicate that he was a marked man, presumably because of his attempts to escape. There is some disparity between his original statement and his testimony as to where he was then sent. Probably it was Parnewinkle (Celle-lager No. 1). In his first statement he says the Englishmen were well treated whereas in his testimony he declares that they were singled out for rough treatment. It was at this camp that he saw *Russians* tied to posts—not *himself*. Claimant created a very favourable impression before the Commission and I have dealt at length with his two statements to show the unfortunate and perhaps pardonable exaggerations which creep into stories of this kind after a lapse of years. There are other inconsistencies in the two statements which it is unnecessary to expatiate upon. The result is, of course, that the earlier statement must receive the greater credibility. He complains chiefly of rheumatism and his nerves.

The medical record indicates that claimant bears a scar on the outer side of his left foot, scar on right leg, that he suffers pain on right side of head, has arthritis of knees and shoulder pain. No percentage of disability is stated. Dr. J. F. Goodchild, who certifies to the foregoing, appeared before the Commission and stated that claimant suffers from a neurasthenic condition, neuralgia on right side of head, pain in arm of rheumatic origin, but was unable to form an opinion as to the origin of these ailments. He does not find any considerable disability. Claimant's medical history files show that, under examination of August 24, 1917, there was no nervousness then present, heart, lungs and all other systems normal.

Clearly, as well upon the facts as upon the medical record, claimant has failed to establish a case of disability resulting from maltreatment whilst a prisoner of war. Quite apart from the inconsistencies contained in his two statements, no active maltreatment has been shown, and in so far as disability is concerned, at claimant's age, it is not surprising that he should exhibit some signs of advancing years. On the whole, therefore, I must disallow the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2050—JAMES ALEXANDER EVERETT

The claimant was a Private in the 15th Battalion—Regimental number 27888. He enlisted in August, 1914, at the age of 16 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering badly from gas. He was exchanged to Holland March 3, 1918, and repatriated to England November 18, of that year. He is not in receipt of pension, and has made no application therefor. He was married in 1920 and has two children. Prior to enlistment he was an apprentice to the tinsmith trade, earning \$6.00 per week, and after his discharge was given vocational training and eventually became a carpenter, and now earns an average of \$39.40 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of abuse and of having been struck by a German on the head with a pitchfork, leaving a scar on the head and cheek and had to have hospital treatment. Later his head troubled him and he had to go back to hospital for more rest, stayed six months, but did not get proper medical attention. He still suffers with pains in the head. He is now subject to quinsy every year. It is noted that upon enlistment he was carrying scars on the hand and forehead.

An analysis of the evidence reveals:—

Claimant was suffering severely from the effects of gas when captured. On the way to Gottingen camp he was prodded and kicked by the guards. Upon arrival he was set to work repairing buildings, labour alleged to have been too heavy for him in his then condition. At a farm at Bishausen, in Saxony, probably under some provocation, claimant was injured through being struck on the head by a pitchfork thrown at him. He bears a scar on his face which he declares was left by the wound then inflicted. He was sent back to Gottingen and spent some time in hospital for these wounds, but complains that he received no proper medical attention, though he does not indicate in what way it was deficient. Next sent into East Prussia, with a reprisal party, he complains of the cold, poor accommodation and general punishment, without however, charging any particular acts of maltreatment inflicted upon himself. As a further reprisal, apparently he was sent to a Russian prison camp at Libau. He is very indefinite as to specific acts of maltreatment when in this camp, but attributes his condition of quinsy to the cold and exposure endured at this period. Claimant's remaining major complaint is that he still suffers from severe headaches, which he attributes to the blow on the head and face above referred to. The record discloses that claimant sustained a pre-war injury which left scars on his forehead, as noted in his attestation paper. It is singular that the scars he now points to are practically in the same position. His explanation of this coincidence is not very satisfactory.

The medical record indicates that claimant suffers periodic pain over left frontal and parietal bones, disabling at times (with evidence of scar $\frac{5}{8}$ inches long and $\frac{1}{8}$ inches wide over left frontal bone and circular scar $\frac{1}{4}$ inch on left cheek) and recurring quinsy. His percentage of disability is stated at 50 per cent. Dr. C. S. Dunning, who certifies to the foregoing, appeared before the Commission in support of claimant's case. He confirms his certificate as to the ailments, but is unable to fix the amount of claimant's disability as stated in his certificate.

This case leaves considerable doubt as to the accuracy of the claimant's recital of his experiences as a prisoner of war. I do not consider that he has established that his throat condition has resulted from any acts of maltreat-

ment and the evidence of disability resulting from the blow on the head and face is so nebulous, that I cannot base an award thereon. On the whole, I find that claimant has failed to make out a case before this Commission. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 8, 1931.

CASE 2051—ALFRED ELLIOTT

The claimant was a Private in the 15th Battalion, Regimental number 27185. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from a slight touch of gas. He was released to Switzerland in the latter part of 1916 and was repatriated to England December 12, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$20.00 per month, based on tonsillitis, neurosis and debility. He was married March 20, 1920, and has no children. Prior to enlistment, he was employed making picture moulding at \$16.50 per week, and after discharge he followed various occupations, painting, grading, moulding work, ranging from fifty to ninety cents per hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work when unfit, confinement to cells, unsanitary living conditions, abuse and poor food, the result of which has been debility, nervousness and defective hearing, through perforated left ear drum.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 18 months, when he was transferred to Switzerland as medically unfit. Sent first, as a prisoner, to Gottingen and then to Cassel, he complains chiefly of the poor food conditions and long hours of labour, but speaks also of rough treatment, blows, kicks, etc. He was sent out to work on a railway line near Cassel, where the work was heavy and the treatment violent. Here, he first had trouble with his ears, which apparently became infected and began to discharge. He ascribes this condition to continuous exposure and occasional beatings. He does not contend that this trouble was traumatic in origin. He received no medical attention and was forced to continue working under most harsh conditions. When he was finally released to Switzerland, he underwent an operation for his ears. In addition to this complaint, claimant speaks of nervousness resulting generally from his treatment as a prisoner.

The medical record indicates that claimant has defective hearing, right ear, due to chronic otitis media, perforated left ear drum, and suffers from debility and nervousness. His percentage of disability is stated at from 25 per cent to 50 per cent. Dr. W. C. Givens, who certifies to the foregoing, appeared before the Commission in support of claimant's case. In addition to the defective ear conditions, he speaks of claimant as debilitated and unfit for any heavy work. He expresses the opinion that the ear condition was due to infection, and does not regard the nervous complaint referred to by claimant as serious. The medical history files confirm the condition of debility, the ear trouble and some nervousness.

It is difficult to say in this case precisely what cause brought about the infection in claimant's ears. Probably his resistance became so lowered that the infection settled in these organs. This then would result from general con-

ditions in Germany at the time. Having regard to the recital of physical abuse contained in claimant's testimony, which was most frankly given. I am, however, inclined to find that there was maltreatment with some resultant disability. I say nothing about the want of medical attention. In these circumstances, I would recommend a payment to claimant of \$500.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDUGALL,

OTTAWA, November 30, 1931.

Commissioner.

CASE 2053—JOHN JAMES FELLOWES

The claimant was a Private in the 3rd Battalion,—Regimental number 9783. He enlisted in August, 1914, at the age of 18 years. His attestation paper indicates that his age on enlistment was 21. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a gunshot wound in the left thigh and from gas. He was repatriated to England December 15, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$11.25 per month, based on gastritis. He was married June 1, 1927, and has one child. Prior to enlistment, he was employed as a boiler-maker's apprentice, earning \$8.00 per week, and since his discharge has been employed by the Bell Telephone Company, and is at present a chauffeur with that Company, earning about \$1,860 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of gastric ulcers of the stomach due to malnutrition while a prisoner of war. He suffered several beatings for refusing to work on munitions in Krupp's factory and in a chemical factory in Stettin. Was put to the expense of two major operations on his stomach.

An analysis of the evidence reveals:—

Claimant complains of one thing only. By reason of starvation in German prison camps, he developed gastric ulcers upon his return to Canada, and was compelled to undergo two operations, the first whereof was emergent, due to perforation. Claimant's period of captivity was spent in Paderborn hospital (3 months), Senne-lager III, Krupp Iron Works, Munster, Stettin, and a punishment camp. He speaks of the usual beatings for refusing to work, but does not ascribe any disability to these incidents. He lays stress on the fact that inadequate food, resulting in the gastric condition referred to, constitutes his entire claim.

The medical record indicates "gastric ulcers—perforation." His percentage of disability is stated at 20 per cent in his own calling and at 40 per cent in the general labour market. Dr. J. A. McCallum, who certifies to the foregoing, did not appear before the Commission. It was he who operated upon claimant for gastric ulcers. Claimant's medical history files merely show that he is in receipt of a pension for gastritis.

I do not think that claimant has established, nor do I think he could, that his present condition results from maltreatment whilst a prisoner of war. He, in common with other prisoners, did suffer from malnutrition while in Germany. The German population was in quite as sorry plight towards the end of the war. For reasons which I have explained in Opinion annexed to the present Report, I do not regard this condition as constituting maltreatment. Claimant has presented his case to the Board of Pension Commissioners, which alone, in my view, has jurisdiction to deal with it. The claim must, accordingly, be disallowed.

ERROL M. McDUGALL,

OTTAWA, December 7, 1931.

Commissioner.

CASE 2054—WILLIAM JOHN GRANT

The claimant was a Corporal in the Third Battalion—Regimental number 9103. He enlisted in August, 1914, at the age of 29 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering slightly from gas. He was released to Holland in March, 1918, and was repatriated to England November 19, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$23.00 per month for himself and family, based on chronic bronchitis and emphysema. He is married and has one child. Prior to enlistment, he was employed as an accountant, earning about \$1,000.00 per annum, and since his discharge has resumed his former occupation, and now earns \$2,200.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of over-work and starvation. Contracted pleurisy while working in a sugar factory and received inadequate medical attention. He developed bronchitis from which he still suffers.

An analysis of the evidence reveals:—

Claimant was first sent to Giessen, thence to Saltau, followed by Lichtenhorst. Apart from general camp conditions and long hours of enforced squad drill, and poor food, he has nothing to complain of. At Grossenweidenmoor, he complains of the food and deprivation of parcels from home. At a farm, where he worked, claimant declares that he was hit by the farmer, and did not get enough food. At a sugar factory, he contracted pneumonia and was compelled to walk several kilometres to see the doctor, who did very little for him. To this inattention and lack of heat in barracks, he attributes bronchitis from which he now suffers. At Hameln, where he concluded his period of captivity, he has no complaints. Apart from his chest condition, claimant states that he suffers from nervousness and irritability.

No medical evidence has been produced, not even the usual certificate of a medical practitioner. Claimant's medical history files show a condition of bronchitis and emphysema, for which he is in receipt of pension.

A perusal of this record emphasizes the point made in Opinion annexed to the present report, that disabilities resulting from general conditions in Germany, such as lack of food and heavy labour, while they may give rise to pension awards, do not necessarily entitle a claimant to reparations. Otherwise every prisoner would be entitled to an award before this Commission. I find, in the present case, that claimant has not discharged the burden of showing that his present disabilities result from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 2055—ROBERT HENRY GREEN

The claimant was a Bugler in the Third Battalion—Regimental number 9863. He enlisted in August, 1914, at the age of 17 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 21, 1918. He is not in receipt of pension and has made no application therefor. He is unmarried, but supports his mother aged 65 years. Prior to enlistment, he was employed as a clerk with the C.P.R., earning \$30.00 per month, and since his discharge worked on a farm, and is now employed by the Imperial Oil Company, earning \$40 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of inoculation which

brought on what he terms "black diphtheria," involving paralysis for a time. He was in the hospital for 18 months during this illness. He complained of being knocked about and beaten for an unsuccessful attempt to escape. Suffers from abscessed ears and has a chronic nasal and oral discharge.

An analysis of the evidence reveals:—

Claimant was taken to Giessen camp, to which he was attached for the duration of the war. About a month after he arrived, he was taken sick, with what he terms "black diphtheria" and was 18 months in hospital, for six months whereof he was blind and paralysed. He attributes this illness to inoculations which he received. He made a complete recovery and was sent out on working parties, where he encountered the usual rough treatment and an occasional beating. No permanent injuries have resulted from this treatment. For an unsuccessful attempt to escape, he served six weeks in cells. He speaks of heavy labour in a stone quarry. As a result of these experiences, claimant complains of ear trouble, with some deafness and that his nerves have been affected.

The medical record consists of the affidavits of Drs. John N. Gardiner and W. R. Newman. The former finds impaired hearing, nasal and oral discharges, chronic otitis media and rhinitis, impaired nervous system and chronic bronchitis. He rates claimant's percentage of disability at 25 per cent. Dr. Newman finds claimant's hearing very poor and speaks of general poisoning from inoculations, which information comes from claimant's statements to him. He rates the percentage of disability from 35 per cent to 50 per cent. Neither doctor appeared before the Commission. Claimant's medical history files reveal nothing unusual, his board upon discharge from the service showing "all systems normal."

The record does not show any disability due to maltreatment. Claimant's unsupported statement that he contracted diphtheria from inoculations given to him cannot be accepted as proving maltreatment. Evidently he was successfully treated for this sickness and made a good recovery. The other incidents related are not such as to have left any disablement. Claimant has thus failed to discharge the burden of showing that a present disability results from maltreatment whilst a prisoner of war. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2056—GEORGE BELL GALLAGHER

The claimant was a Private in the 2nd Battalion—Regimental number 8408. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the Second Battle of Ypres, unwounded. He was repatriated to England November 29, 1918. He is not in receipt of pension. He was married in June, 1922, and has one child. Prior to enlistment, he was employed as a Civil Engineer with the C.P.R., earning \$45.00 per month, and since his discharge has been engaged as a salesman, now earning about \$2,500.00.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that after an attempt to escape he was given 21 days solitary confinement and was later court-martialled and condemned to seven months of like punishment. After serving three months of this sentence he became so ill that he was released. He was then placed at shovelling coal for railway engines for a period of seven months. He now suffers from anaemia and stomach and bowel trouble.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at the following camps: Giessen, Saltau, Lichtenhorst, Celle-lager and Stuttgart and on farms attached thereto. He was not subjected to physical abuse and confines his complaint to impaired health resulting from confinement to cells for a period of three months. For an attempt to escape from Stuttgart, he was given 14 days solitary confinement. In some manner, he, with three others, was tried for mutiny and though acquitted at the first hearing, upon appeal he was condemned to 7 months, three of which he served. The cells were underground and claimant was only allowed out for an hour every four days. He collapsed at the end of three months, and was placed in hospital. Claimant ascribes a condition of anaemia to these experiences.

The medical record indicates that claimant suffers from a functional disturbance of mobile power of stomach and bowels. His percentage of disability is stated at from 60 per cent to 70 per cent. Dr. James A. Simpson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual. All systems are declared normal in his medical examination upon discharge.

I do not think that it necessarily follows that claimant's anaemic condition results from the confinement of which he complains. The medical evidence would require to be much more convincing to permit of such a finding. I would regard the condition as nutritional in origin, but even were it in some measure due to imprisonment, I would require clear evidence that the sentence of the court martial, condemning claimant, was in no wise justified. The evidence is entirely lacking. Claimant has failed to make out a case and his claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2057—GEORGE OSBORNE RICH GREENHOW

The claimant was a private in the Third Battalion—Regimental number 9972. He enlisted in August, 1914, at the age of 33 years. He was taken prisoner April 24, 1915, during the second Battle of Ypres, unwounded. He was repatriated to England February 14, 1919. He is not in receipt of a pension, but did get a special gratuity amounting to \$250, based on nervous debility. He is unmarried. Prior to enlistment he worked as a florist, growing bulbs and earned approximately \$15 per week. Since his discharge he has been employed by the Ontario Department of Highways, at a salary of \$18 per week and hotel expenses.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general abuse, solitary confinement, and beatings which have caused neurasthenia.

An analysis of the evidence reveals:

Claimant was a prisoner at, or attached to, Giessen camp for the duration of his captivity. He speaks of the conditions and camp life favourably. Personally, he was subjected to no physical abuse, except on the occasion of one of his unsuccessful attempts to escape, when he received a beating and was confined to cells. He admits, quite frankly, that whatever ill-treatment he received was "for doing something I ought not to have done." He was not compelled to do manual labour, but served as an orderly in the hospital for the final period of his time as a prisoner. He complains chiefly of the condition of his nerves and has some stomach trouble, both of which ailments he ascribes to his experiences while in Germany.

The medical record indicates that claimant suffers from neurasthenia, and stomach trouble. His percentage of disability is stated at 40 per cent in his own calling and at 60 per cent in the general labour market. Dr. H. Clark, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show a condition of debility and general weakness which is attributed to lack of food.

A perusal of the evidence in this case leads to the conclusion that claimant's present condition is due entirely to nutritional causes. For reasons explained in Opinion annexed to the present report, I do not consider that this general condition is to be regarded as maltreatment, *per se*. Claimant, therefore, has failed to establish a case of present disability resulting from maltreatment whilst a prisoner of war, and his claim must, accordingly, be disallowed.

ERROL M. McDUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2059—FREDERICK THOMAS HOUSE

The claimant was a Lance Corporal in the 15th Battalion—Regimental number 27563. He enlisted in August, 1914, at the age of 27 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, slightly wounded in the ankle and suffering from gas. He was repatriated to England January 1, 1919. He had been in receipt of a 25 per cent disability pension, amounting to \$28 per month, based on an injury to his hand. This was discontinued April 1, 1926, but an application for reinstatement is pending. He was married October 30, 1919, and has two children. Prior to enlistment, he was employed as a lineman with the Hydro Electric Commission, at a wage of about \$15 per week, and since his discharge he tried gardening and poultry raising in England, and after his return to Canada has done odd jobs at painting, making about \$30 per month when at work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been kicked and beaten, forced to undergo solitary confinement, was starved and forced to work when unfit, received no medical attention and suffered from exposure.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp and sent to work in a copper mine. For refusing to work, he, with others, was beaten and finally driven down the mine. He had two teeth knocked out by a guard with the butt of a rifle. Persisting in their refusal to work, these prisoners were made to stand at attention for eight hours, and then sent to the civil jail at Butsbach, where they served three months and eight days; were then court martialled and given an additional month, which they served at Giessen. Sent to Lichtenhorst for 9 months, claimant was employed at cutting heather on the moors. At Bohinte, where he spent 6 or 7 months, he was digging canals in the water under conditions of extreme exposure. He was sent to a farm for 9 months, where the work was heavy but the treatment fair. Claimant then spent 5 months at a sugar factory where his hand was accidentally injured lifting pipe. He complains that proper medical attention was denied him for this wound. He suffers with his back, head, nerves and has bronchitis.

The medical record indicates that claimant suffers from nervousness, indigestion, general weakness, deformed hand and bronchitis. His percentage of disability is stated at from 80 per cent to 90 per cent in his own calling, and at 58 per cent in the general labour market. Dr. Roy J. Spence, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files refer only to the injured hand.

The injury to claimant's hand was accidental in origin and I do not consider that he has proven lack of proper medical attention. His evidence shows that he received treatment, such as it was, from the German doctor. I do think, however, that claimant was subjected to maltreatment whilst in the copper mines sustaining injury which is of a permanent nature. Viewing the whole case, I would recommend a payment to claimant of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from the 10th January 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 2060—JOHN ALFRED HOLDSWORTH

The claimant was a Private in the 4th C.M.R.—Regimental number 113299. He enlisted July 31, 1915, at the age of 20 years. He was taken prisoner June 2, 1916, suffering from shrapnel wounds in the right arm and hand. He was released to Switzerland in December 1917 and was repatriated to England, December 9, 1918. He is in receipt of pension, amounting to \$39.00 per month for himself and family, based on weakness and limitation of movement in the right forearm and hand. He was married July 23, 1923, and has two children. Prior to enlistment, he was employed by a glass concern installing skylights and canopies. He was only a boy and earned \$15.00 per week. Since his discharge he has been with the Toronto Transportation Commission, earning \$28.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of proper medical attention for his wounded arm, resulting in permanent disability to that member, and of stomach trouble due to bad food, also extreme nervous conditions.

An analysis of the evidence reveals:—

Claimant was in hospital, after capture, at Courtrai and Duisburg. He received treatment for his wounded arm, but contends that the treatment was not proper and has left his arm in a disabled condition. He speaks of being knocked off the operating table on two occasions by the surgeon, seemingly, because he did not understand what was said to him. Otherwise he has no complaints. He was sent to Friederichsfeld camp for three months, where he did light work. Thence he went to Cottbus, until released to Switzerland as medically unfit. He does not complain of any physical abuse and received no permanent injury whilst a prisoner. He confines his complaint to the disablement of his arm and generally to an impaired digestive system due to undernourishment.

The medical record indicates that claimant suffers from frequent attacks of gastric indigestion and coecal stasis, with loss of function of right forearm, wrist and fingers. His percentage of disability is stated at 100 per cent in his own calling and at 50 per cent in the general labour market. Dr. L. O. C. Skeeles, who certifies to the foregoing, appeared before the Commission. Apart from the arm injury, which is of service origin, and quite definite, Dr. Skeeles speaks of stomach disorders, which might have been caused otherwise than upon service. Claimant does not suffer from any serious general disability.

In this state of record, there is little difficulty in reaching the conclusion that Claimant is without right before this Commission. He has failed to show that his disabled arm results from any maltreatment whilst a prisoner of war. The evidence does not justify the contention that the medical treatment received was improper. Claimant's general health is good and, as explained in Opinion

annexed to the present report, impairment to health from solely nutritional causes even if established, is insufficient to entitle him to an award. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 7, 1931.

Commissioner.

CASE 2061—PERCY T. HARRELL

The claimant was a Lance Corporal in the Third Battalion—Regimental number 10040. He enlisted in August 1914 at the age of 26 years. He was taken prisoner April 24, 1915 during the Second Battle of Ypres, unwounded. He was released to Holland in March 1918 and was repatriated to England November 18 of that year. He is not in receipt of pension, but has an application pending before the board. He was married July 17, 1920 and has three children. Prior to enlistment he was employed as a clerk with the Robert Simpson Company Limited, of Toronto, at a wage of \$10.00 per week and since his discharge has returned to the same Company as a receiver, and now earns \$24.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of ill-health consisting of chronic bronchitis due to imprisonment. He received several beatings and kicks for refusing to work. Was compelled to work on the moors in all sorts of weather and suffered through dampness and exposure. Also has stomach disorders.

An analysis of the evidence reveals:—

Claimant was in Giessen camp for six months. Apart from general rough treatment from which he has suffered no injury, he has nothing to complain of. Taken to Saltau, thence to Lichtenhorst, he speaks of spraining his ankle accidentally, but does not emphasize any particular maltreatment. At Grossenweidenmoor, he complains of being forced to do hard labour, long hours, being exposed to the weather, to which he ascribes his present bronchial condition. He also complains of some digestive disturbance.

The medical record indicates that claimant suffers from "chronic bronchitis with acute attacks practically every autumn and spring." His percentage of disability is stated at 10 per cent. Dr. G. F. Ferrier, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, all systems being declared normal, upon discharge from the service.

This clearly is not a case for reparation consequent upon maltreatment whilst a prisoner of war. The general conditions of which claimant speaks were common to every prisoner. His claim, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2062—BERNARD WILLIAM HANNAN

The claimant was a Private in the 15th Battalion—Regimental number 27489. He enlisted in 1914 at the age of 32 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England January 1, 1919. He is not in receipt of disability pension and has not applied therefor. He was married in January, 1921, and has no children. Prior to enlistment he was a painter earning 45 cents per hour. Since his discharge, he has been variously employed, and is now an attendant at a sanitarium in Guelph, at a salary of \$45 per month and his board.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being made to work in the salt mines, lack of treatment, exposure, beatings, starvation and general abuse. He alleges that he suffers from asthma and stomach trouble.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp. He complains of being made to remain naked in a hut for 3 days while his clothes were being fumigated. After about 2 months at Gottingen, claimant was sent to the notorious salt mines at Beienrode, where he remained for $3\frac{1}{2}$ years. His story is a reiteration of the recitals of brutality, hard work and exposure, heard from other prisoners. (See case 1875). Forced to work in the mines with no protection against the noxious gases during blasting operations, his lungs have suffered. He was hit on the foot by an irate guard in the mines for failing to do the work required and still carries the scar. He was also hit on the back of the neck and kicked because he was too weak to work, and on one occasion tore his face on a barbed wire fence trying to escape a beating from a guard. He complains of the condition of his stomach, has bronchitis and asthma and is generally debilitated.

The medical record indicates that claimant suffers from bronchial asthma, chronic antrums and nasal catarrh. His percentage of disability is stated at 50 per cent. Dr. J. I. McKay, who certifies to the foregoing, did not appear before the Commission. There is on file letter of Dr. F. H. C. Baugh, of the Homewood Sanitarium, at Guelph, where claimant is employed, stating that claimant is only fit for light work, is a conscientious worker and shows marked signs of debility.

I regard claimant as having suffered impairment to his health during his period of captivity. The fact that he was condemned to work and did work in the salt mines at Beienrode for $3\frac{1}{2}$ years is almost enough to establish maltreatment, so familiar are we with the conditions of inhumanity and calculated cruelty which prevailed there. Claimant's testimony establishes the fact of maltreatment beyond doubt. He has therefore made out a case and is entitled to an award. I would recommend a payment to him of \$800, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 2, 1931.

Commissioner.

CASE 2063—HERBERT SEYMOUR HUNT

The claimant was a Private in the 3rd Battalion—Regimental number 9211. He enlisted in August, 1914, at the age of 19 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering slightly from gas. He was repatriated to England December 8, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$21 per month, based on nephritis. He was married December 8, 1920, and has three children. Prior to enlistment, he was employed as a clerk with the Consumers Gas Company of Toronto, at a salary of \$15 per week and since his discharge has been a book-keeper with the City of Toronto, at a salary of \$30 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury to his big toe caused by a German dropping a heavy piece of pig iron on it, also of numerous beatings with rifle butts, kicks and general abuse. He suffers from permanent kidney and bladder trouble due to the bad food and living conditions. Was confined to a dungeon for three weeks where the floor was covered with water so that he was unable to lie down.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at, or attached to, Giessen camp. On a working party he declares that he was hit on the head with the butt of a rifle for refusing to work. At the Geisweid iron mines, he engaged in an altercation with a German guard and, in the scuffle which ensued, he was hit on the great toe with a lump of pig iron, which has permanently injured that member. He was placed in dungeon for a month for assisting a British officer to escape, and, for again refusing to work, was strapped to a post for 24 hours. Claimant contracted pleurisy as a result of his treatment and still suffers from recurring attacks. His chief disability is nephritis and he also declares the toe injury still affects him.

The medical record indicates that claimant suffers from chronic nephritis and has an injury to his great toe. His percentage of disability is stated at 10 per cent in his own calling and at 25 per cent to 50 per cent in the general labour market. Dr. C. W. Carleton, who certifies to the foregoing, appeared before the Commission and testified that claimant's main complaint is back-ache, exhaustion and that he suffers from his toe. The nephritis is attributed to exposure. Claimant's medical history files confirm the kidney trouble.

For reasons explained in opinion annexed to the present report, I do not consider that the kidney trouble of which claimant complains can be ascribed to maltreatment. It is the result of general conditions of life which he bore in common with other prisoners. The injury to his toe has not been shown to have been deliberate—it was more probably accidentally sustained in the course of a fight with the guard. Viewing all the circumstances, claimant has, in my opinion, failed to make out a case of present disability resulting from maltreatment whilst a prisoner of war. His recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 2064—EDWARD PATRICK McQUADE

Claimant was a Private in the Royal Canadian Regiment—Regimental number 455139. He enlisted in August, 1915, at the age of 36 years and was taken prisoner October 12, 1916. When captured he was wounded in the right leg and shoulder, the bullet piercing the lung. He was repatriated to England March 21, 1918. Claimant is married and has five children. He is in receipt of pension amounting to \$23 a month for himself and family. Prior to enlistment, he was employed as an engineer with the Sanitary Ideal Company at Port Hope, Ontario, earning about \$3.25 per day. Since discharge he has followed various occupations with indifferent success.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical treatment, physical abuse, and suffers from stomach trouble due to lack of proper food.

An analysis of the evidence reveals:—

Claimant lay in a shell hole for four days after being wounded, was brought into hospital where he received some treatment and was then removed to Cambrai hospital. Here he complains of the brutal treatment by the surgeon, who probed his wounds unnecessarily and knocked him off the operating table because claimant kicked over his instrument case. Claimant developed lockjaw and complains of the brutal way in which the serum was

administered. Removed to Mulheim, he was in hospital until transferred to Switzerland. He complains of the use of paper bandages, but evidently received as good medical attention as could be expected. Claimant tells his story in very humorous vein, and while he complains bitterly of the treatment received, he has not succeeded in showing that he suffers any greater disability as a result of such treatment than he would otherwise have had.

There is no medical evidence of record, not even claimant's medical history files. It seems clear, however, that the injuries of which claimant speaks, were sustained on service and there is nothing to show any aggravation by reason of his treatment as a prisoner of war.

While these experiences may have been distressing, I do not believe that they have, per se, added anything to claimant's incapacity. In these circumstances, claimant has failed to make out a case of maltreatment resulting in disability. His recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 2066—VICTOR ALBERT JEFFERIES

The claimant was a Corporal in the 3rd Battalion—Regimental number 9328. He enlisted in August, 1914, at the age of 32 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded but slightly gassed. He was released to Holland in March, 1918, and repatriated to England January 28, 1919. He is not in receipt of pension, but has an application pending before the Board. He was married on enlistment, but has no children. Prior to enlistment, he was a furrier, earning \$35 per week, and since his discharge has been similarly engaged, at a salary of \$40 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of injury to his teeth from a blow on the mouth and defective eyesight due to confinement in dark cells.

An analysis of the evidence reveals:—

Claimant spent the first nine months of his captivity at Giessen camp. For refusing to work, through weakness, he was beaten by the guards. Taken before a medical officer, who apparently thought claimant was shamming, he was struck in the mouth by the officer, injuring his teeth. Claimant was also given 14 days dark cells and while there alleges that he was baited by his guards. He still declined to work and was sent to Lichtenhorst, thence to Hestemoor camps. Here long hours of punishment drill was the regular routine. For protesting at the noise made by a visiting parson, in the early hours of the morning, claimant received another blow in the mouth from the sentry. This incident is corroborated by a fellow prisoner who says the blow was administered with a stick. Fourteen days in cells was added as further punishment. Again, at a later camp, for persisting in his refusal to work, claimant was given 14 days dark cells and complains again of being struck in the mouth. As a result of these experiences he declares that his teeth have been ruined, necessitating constant dental attention since his return, and that his eyesight has been impaired from his incarceration in dark cells.

The medical record indicates that claimant has in fact received considerable dental care. Dr. L. J. Bancroft certifies that he found claimant's mouth in a very septic condition, necessitating several extractions due to abscesses and broken down teeth. Dr. R. E. Fisher also certifies to extractions, insertion of

bridges and treatment to the gums. As to the eye condition, there is filed certificate of Dr. H. H. Holme, indicating 50 per cent impairment in right eye and somewhat less than that in the left. None of these medical men appeared before the Commission.

It would have been desirable in this case, to question the two dentists and the physician who gave certificates. The coincidence of repeated blows on the mouth was very marked and it would have been interesting to know if in the opinion of the witnesses referred to, the condition noted was probably due to the reason ascribed. As to the eye condition, I do not think there is much to be said. Claimant has failed to show that it was due to maltreatment. On the whole, however, I am inclined to give him the benefit of the doubt as to the injury to his mouth. I would, accordingly, recommend a payment to him of \$600, with interest thereon, at the rate of 5 per cent per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 3, 1931.

Commissioner.

CASE 2067—THOMAS JACKSON

The claimant was a Private in the 15th Battalion—Regimental number 27495. He enlisted in August, 1914, at the age of 25 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but slightly gassed. He was repatriated to England January 1, 1919. He is not in receipt of pension but has an application pending before the Board. He was married March 24, 1920, and has three children. Prior to enlistment, he was employed as a tool maker with the Grand Trunk Railway, at a wage of \$23 per week and since his discharge has held various positions, now being employed as a machinist, earning \$37.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been forced to work in the salt mines, where he was beaten, stabbed with a bayonet, starved and generally abused.

An analysis of the evidence reveals:—

Claimant spent a few weeks at Gottingen, Celle-lager and Hameln, before being sent to the ill-famed salt mines at Beienrode. His complaints centre about this latter camp, where he spent about two years. It is the familiar story of brutality and cruelty which we have heard from other prisoners. (See case No. 1875). Claimant appears to have invited a great deal of the punishment he received, by a certain defiant and truculent manner, which was even evident before the Commission. For refusing to work he, with others, was lined up before a firing squad. Struck on the ankle with a rifle butt, he was confined to bed for five weeks. Finally, driven to go down the mines, he encountered the usual treatment of beatings, blows from pick-handles and thrashing with belts. He was struck with a bayonet in the little finger, causing permanent injury, was kicked on the head and still bears the scar. He complains chiefly of the condition of his nerves, a disabled ankle, and lame back, all of which he attributes to the treatment received in the salt mines.

The medical record indicates that claimant's nervous system is impaired, that he suffers from stomach disorders, weak right ankle, stiff little finger. His percentage of disability is stated at 50 per cent. Dr. F. J. Snelgrove, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files contain nothing unusual.

Both as to demeanor and credibility claimant was not impressive before the Commission. Were it not for the abundant evidence which we have as to

conditions in the Beienrode salt mines, his story would not carry conviction. Viewing all the circumstances, and allowing for possible nervousness in unfamiliar surroundings before the Commission, I have reached the conclusion to give claimant the benefit of the doubt and to find that his present disability, in part at least, results from maltreatment to which he was subjected whilst a prisoner of war. I would, accordingly, recommend a payment to him of \$700.00, with interest thereon at the rate of 5 per cent per annum from the 10th of January, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 2, 1931.

Commissioner.

CASE 2068—ROBERT JOHNSTON

The claimant was a Private in the 4th C.M.R.—Regimental No. 109418. He enlisted in May, 1915, at the age of 22 years. He was taken prisoner June 2, 1916, unwounded, but states he was buried by shell fire. He was repatriated to England on December 9, 1918. He is not in receipt of disability pension, and states that he does not intend to apply therefor. He was married in June, 1926, and has no children. Prior to enlistment he worked for his father on a farm, and since his discharge has been working on his own account on a farm which he rents.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was beaten for refusing to work upon munitions, placed in cells on bread and water, was denied dental treatment, and, as a result, has lost nearly all his teeth.

An analysis of the evidence reveals:

Claimant was first taken to Dulmen camp, where he remained a year. Apart from food conditions he has no complaint of his treatment there. He was sent to Friederichsfeld—or to a working party attached thereto, where he was beaten for refusing to work upon munitions. He complains also that he has lost his teeth due to refusal to give him dental attention while he was a prisoner. He declares generally, when asked what were the worst features of maltreatment to which he was subjected, that it was "persecution all the time." As a result of his treatment he complains of his nerves, but admits that he is better now than he was.

There is no medical evidence in this case, not even the usual certificate of a physician. Claimant's medical history files show nothing unusual, the only record of hospitalization being for influenza in 1919. There is a reference to tonsillitis suffered whilst a prisoner, but no noting of any disability.

In this state of the record, clearly, I am not justified in finding in claimant's favour. As explained in opinion annexed to the present report, a claimant must show not only a present disability but must connect that disability with the treatment he received during his period of captivity. This, claimant has completely failed to do. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 8, 1931.

Commissioner.

CASE 2069—GEORGE CHRISTOPHER JENNINGS

The claimant was a Private in the 4th C.M.R.—Regimental No. 725002. He enlisted in April, 1917, at the age of 22 years. He was taken prisoner about April 22, 1918, whilst on a night raid. He was not wounded at the time. He was repatriated to England on November 25, 1918. He is not in receipt of disability pension, but has an application pending. He is a widower with two children. Prior to enlistment, he was working in a brickyard at \$30.00 per

week. Since his discharge he has been in the employ of the Toronto Fire Department, at a salary of \$160 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of stomach trouble, induced by improper food and living conditions, and of an injury to a finger, the result of a blow inflicted with a knife by a German guard. He also states that on one occasion the guard knocked him down and kicked him on the chin, knocking out two of his teeth.

An analysis of the evidence reveals:—

Claimant was a prisoner for about seven months, at or near Lille, where he worked as an orderly in the hospital for a time. He complains of being beaten for giving misinformation in answer to questions put to him, and being locked up. He declares that a German guard hit him with a knife for not working fast enough and almost cut the top of his finger off. He was also kicked in the mouth and lost two teeth. Sent to coal mines in Alsace Lorraine, claimant speaks of stomach trouble, which he describes as a strain. He was placed in hospital for this ailment. His health now is fairly good, but he suffers with his stomach. The beatings referred to have left no permanent disability.

The medical record, consisting of the certificates of Drs. J. H. Downing and E. C. Beer, indicate that claimant suffers from chronic indigestion and attacks of gastritis, and has lost teeth. His percentage of disability is stated by Dr. Downing at 50 per cent, and by Dr. Beer at from 50 per cent to 75 per cent. Dr. Beer merely adds that claimant bears scars on face and finger. There is no mention of a scar on the finger in his medical records. Dr. Beer also appeared before the Commission, spoke of the stomach trouble, but thought this might possibly result from the effects of gas. Poor food also might be a contributing factor.

It is evident, in this case, that claimant was under the impression that he should receive punitive damages. As explained in Opinion annexed to the present report, this Commission has no such mission. No disability has resulted from his experiences as a prisoner of war, and any claim he may have would properly be one for the consideration of the Board of Pension Commissioners. From a review of the evidence, the claim fails. It is, accordingly, disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 7, 1931.

Commissioner.

CASE 2070—JOSIAH ALFRED JOHNSON

The claimant was a Private in the 13th Battalion—Regimental number 27664. He enlisted in August, 1914, at the age of 22 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England January 13, 1919. He is not in receipt of pension, but applied and finally abandoned the application. He was married March 12, 1919, and has one child. Prior to enlistment he was employed as a book-keeper, earning about \$14.00 per week and was employed at the time of the hearing as a shipper, at \$200 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of food, resulting in an ulcerated stomach. Had two teeth knocked out by a rifle butt and suffered three accidents while on working parties, for which he received no medical attention.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp where he remained about two months; except as to the food, he has no complaints. He was next sent to St.

Andreasburg, and worked for 13 months breaking stone and slag. There was no ill-treatment, but he received no medical attention for injuries received during the course of his work. There was no doctor within three miles of this camp. His leg was injured on one occasion and he was compelled to continue working. The work was extremely heavy, but claimant, surprisingly, declares that the food was not bad. Sent to Okar, in the Hartz Mountains, he was employed at carrying discarded rails and injured his back and left shin while so employed, for which he received no medical attention. Food conditions were very bad at this camp and claimant declares that on one occasion, for protesting in regard to the non-delivery of parcels, he was struck in the mouth by a guard with a rifle butt and had two teeth knocked out. He complains chiefly of constant headaches, stomach condition, and weakened back. He attributes these troubles to the rough treatment and poor food received. He also speaks of stomach ulcers and some heart trouble.

There is no medical evidence of record, not even the usual Certificate of a physician. Claimant's medical files indicate that he has some heart trouble, the cause being declared as infection and strain of active service.

In this state of the record, without some medical evidence, indicating a present disability and connecting the same with claimant's period of captivity, it is not possible to reach a finding in his favour. Disabilities of purely nutritional origin, as explained in Opinion annexed to the present report, cannot serve as the basis of a claim for reparations. I consider that the claimant's recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 2071—ROBERT JOSEPH KING

The claimant was a Private in the 3rd Battalion,—Regimental number 9219. He enlisted in August, 1914, at the age of 18 years. He was taken prisoner April 24, 1915, during the Second Battle of Ypres, unwounded but slightly gassed. He was repatriated to England on December 16, 1918. He is not in receipt of disability pension, but states that he applied therefor on his return to Canada. It was not granted and he has not made any further application. He was married on June 1, 1927, and has one child. Prior to enlistment, he was a clerk in a wholesale warehouse, earning some \$24.00 per week. Since his discharge he worked for a time with his pre-war employers, afterwards as a builder on his own account, and is now engaged selling insurance, at which he makes some \$2,500.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He states that his nose was broken by a blow from the butt of a rifle, and that he received no treatment for the injury but was compelled to remain at work, also that on another occasion a similar blow knocked two of his teeth out. He complains also that a pitch-fork was deliberately thrust through his arm by a farmer for whom he was working. He alleges that he suffers from bronchial trouble and rheumatism as a result of the treatment to which he was subjected, and that the arches of his feet have fallen due to the enforced wearing of wooden clogs.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, as to which he has no complaint. He was sent to Vehnemoor and made to work digging canals on the moors. He speaks of the conditions as very harsh, the civilian guards driving the prisoners,

to exact the maximum of labour. At Ostenholzenmoor he received a blow on the nose from the butt of a rifle in the hands of a guard, for not working as fast as required. His nose was broken. Sent to Bokelah, he remained there a year and a half. For failing to rush the work, claimant with others, was lined up and rushed by the guards with fixed bayonets. In the scuffle to escape, claimant was hit across the mouth with the butt of a rifle and lost two teeth. He took ill and was given light duty for the last eight months of his stay there. On a farm, where claimant was sent, his arm was pierced by a pitchfork wielded by the farmer. This was done deliberately because claimant was not working fast enough. Claimant complains of rheumatism and neuritis, and flat feet due to the enforced use of wooden clogs.

The medical record indicates that claimant suffers from brokendown arches in both feet, deviated septum and has three teeth missing. His percentage of disability is stated at 15 per cent in his own calling and at 10 per cent in the general labour market. Dr. W. H. Philip, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files speak of a condition of chronic bronchitis, as to which, however, claimant makes no claim.

Claimant was beaten and subjected to rough treatment, and I think it may be said that he suffers disability as a result. The broken nose and loss of teeth, though they may not constitute any very great permanent disability, impair to some extent claimant's earning ability. Viewing all the circumstances, I am of opinion that claimant has made out a case and I would, accordingly, recommend a payment to him of \$500.00 with interest thereon at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2072—JOHN WYMAN KENSETT

The claimant was a Private in the 15th Battalion—Regimental No. 27214. He enlisted in August, 1914, at the age of 16 years, although he gave his age on enlistment as 19. He was taken prisoner on April 24, 1915, during the Second Battle of Ypres, unwounded, but gassed. He was repatriated to England from Switzerland in December, 1918. He is not in receipt of disability pension, but states he has made application therefor. He was married in November, 1919, and has two children. Prior to enlistment, he was employed as a clerk in a hotel, at New Liskeard, at \$10.00 per week and his board, and since his discharge he worked for a time in a factory at Niagara Falls, then on Government farms, and is now Safety Deposit Custodian at the Imperial Bank of Canada, at a salary of \$1,300.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of frequent beatings, some inflicted upon him whilst at work, and others because he was too weak and ill to work. He states that on one occasion he was knocked off a wagon with a rifle and on another struck in the arm with a bayonet. He alleges that the treatment he received reacted upon his nervous system by reason of his youth, more than it would have done upon that of an older man. Two months before the Armistice he was examined by Swiss doctors and, as a result, was immediately sent to Switzerland.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp. Except for an incident of being knocked off a cart with the butt of a rifle, he has no complaints. At a stone quarry, where he was sent to work, his strength was insufficient and, for

failing to do the work, he was beaten. He says that while strongly built, he was very young and could not stand the hard work, was treated as a malingeringer and beaten accordingly. He declares he was even stuck in the arm with a bayonet by a guard, who thought he was shamming. His general debility is attributed to the poor food and heavy labour. At Langensalga, his condition was finally recognized as serious, and he was shortly transferred to Switzerland as medically unfit. He complains that his feet have developed an unpleasant and offensive condition, due to these experiences. He also suffers from headaches.

The medical record indicates that claimant suffers from general nervous debility and profuse perspiration of the feet. Dr. W. E. L. Sparks, who furnished a certificate, appeared before the Commission. He could attribute no particular disability to claimant and merely stated that the foot condition was the claimant's sole disability.

It is obviously impossible to find in claimant's favour in this case. That he was subjected to rough treatment is proven, but that disability has resulted therefrom is not shown. The condition of his feet may or may not be a consequence. This claim should not have been put forward before this Commission. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 8, 1931.

CASE 2073—FRED DAVID LORSCH

The claimant was a Sergeant in the Third Battalion—Regimental number 9160. He enlisted in August, 1914, at the age of 36 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from concussion, shell-shock and gas. He was released to Holland in March, 1918, and was repatriated to England September 1, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$20.00 per month, based on bronchitis, iritis and myalgia. He was married in February 1919 and has one child. Prior to enlistment, he was employed with the City Treasurer's Department, Toronto, at a salary of \$1,000.00 per annum, and since his discharge he continued in the employ of that City, earning about \$30.00 per week, and later joined his father in a brokerage business, from which his earnings are small at the present time.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical treatment resulting in chronic bronchitis and rheumatism. He was taken to Holland in a partly paralyzed condition and told that he would never walk again due to a spinal condition. Was placed in a plaster cast, there for seven months. His eyesight is also affected, due to the rheumatic condition. His back and legs still trouble him from time to time.

An analysis of the evidence reveals:

Claimant saw service in the South African war and is now aged 53 years. He confines his complaint to lack of medical treatment for his injuries whilst a prisoner of war. His back had been injured at the time of capture and he received no attention for this during his entire stay at Giessen camp—almost three years. He complains of no particular acts of brutality, but attributes some of his present disability to rheumatism contracted due to the damp and unhealthy conditions in barracks. Claimant was not compelled to work while a prisoner. His bronchial condition is ascribed to general conditions of imprisonment.

Claimant's medical file is very full and indicates hospitalization for chronic bronchitis, war neurosis, injuries to back, neurasthenia and spondylitis. His

pension is awarded for bronchitis, iritis and myalgia. Claimant has also produced the certificates of two physicians which bear out the statement of maladies referred to. His percentage of disability is stated at from 50 per cent to 100 per cent.

There seems to be no doubt as to impairment of claimant's health, but the difficulty is to ascribe his present condition, having regard to his age, to maltreatment whilst a prisoner of war. The evidence of maltreatment is purely negative. Whether anything could have been done for claimant's back cannot now be said. After very careful consideration, I have reached the conclusion that claimant has failed to show that his present disabilities result from maltreatment whilst a prisoner. This must be regarded as the result of general camp conditions in Germany and as such cannot form the basis of an award in claimant's favour. The claim is, accordingly, disallowed.

ERROL M. McDUGALL,
Commissioner.

OTTAWA, December 22, 1931.

CASE 2074—ALFRED LACEY

The Claimant was a Private in the 15th Battalion—Regimental number 47368. He enlisted in August, 1914, at the age of 32 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England on January 6, 1919. He is not in receipt of disability pension, but states he has an application pending. He is married and has two children. Prior to enlistment he was a checker with the Swift Canadian Co., at 22 cents per hour, and since his discharge has been similarly employed, at a present rate of pay of 55 cents per hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that for refusing to work upon munitions, he was kept without food for three days and beaten all over the body with the butt of a rifle. He was also again severely beaten on another occasion for not working fast enough. He also complains of bad living conditions and poor food. He alleges a chest and lung condition.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp. On a working party, he refused to work upon munitions and was beaten and confined to barracks without food. He speaks of being frequently beaten for the same reason, until he was removed to Lichtenhorst, where the treatment was somewhat better. Sent to Eschede, via Saltau, he encountered heavy manual labour, with exposure, poor food, and unhealthy quarters. He describes conditions in detail and attributes to his life at this camp a lung and chest condition which disables him. He was in hospital at Lichtenhorst with bronchitis and received practically no medical attention. He declares that he has suffered a collapse of the right lung, or so it was described to him by his physician. While his condition has improved, he still suffers greatly from his chest condition.

The medical record indicates that claimant suffers from bronchitis and asthma and collapse of the right lung, the date whereof is stated as 1927. His percentage of disability is stated at 4 per cent. Dr. W. Gordon McCormack, who certifies to the foregoing, did not appear before the Commission. There is also filed a record, certificate of Dr. G. C. Anglin, who details claimant's symptoms at length and concludes with the finding that claimant suffers from a definite chronic bronchitis and emphysema. Claimant's medical history sheets show nothing unusual. His final medical board, upon discharge from the service, declares all systems normal.

It will be noted that the condition of which claimant complains—collapse of the lung—occurred in 1927. It can hardly be said that it would take 9 years for such a condition to develop and I am inclined to regard the disablement as of post war origin. Again, claimant's percentage of disability is rated at 4 per cent only and I do not think this is of sufficient gravity to warrant an award. On the whole, I consider that claimant has failed to make out a case. The claim must, accordingly, be disallowed.

ERROL M. McDUGALL,

OTTAWA, December 22, 1931.

Commissioner.

CASE 2075—PHILIP L'ABBE

The claimant was a Private in the 8th Battalion—Regimental number 1260. He enlisted in August, 1914, at the age of 18 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from shrapnel wound in the left shoulder and side and from gas. He was repatriated to England November 29, 1918. He is not in receipt of pension, but has an application pending before the board. He was married June 6, 1927, and has one child. Prior to enlistment, he was attending school, and is now employed as a Timber Scaler with the Ontario Government, earning \$7.00 per day while working.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in water for months, solitary confinement, and general abuse. He now suffers from broken down nervous system and rheumatism in the knees.

An analysis of the evidence reveals:—

Claimant was first taken to Roulers, where his wounds received attention. Moved to Giessen, thence to Lichtenhorst, he has no complaints to make, except as to the food received. He was then transferred to Bohinte, where he complains of the working conditions in water digging canals, without change of clothing, with the result that rheumatism developed. The labour was heavy and the food bad. Sent through Saltau, to Stuttgart, claimant made an unsuccessful attempt to escape and complains that instead of the usual 14 days confinement, he was given 3 months, which he served, was then court-martialled and sentenced to 7 months hard labour. Though he did not serve this sentence, he alleges that the fear of it preyed on his mind and has permanently affected his nervous system. He complains now of his nervous and rheumatic condition as a result of these experiences.

The medical evidence is very general, and merely declares claimant to be suffering from a broken down nervous system. His percentage of disability is stated at 75 per cent in his own calling and at 40 per cent in the general labour market. Dr. J. A. Crozier, who certifies to the foregoing, did not appear before the Commission, but a further certificate from him has been filed since the hearing. This document declares that claimant was healthy before the war and is now a physical wreck, refers to some rheumatism, and the inference is drawn that the condition must result from war strain and exposure while a prisoner of war. Claimant's medical files do not show any disability.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. The evidence of positive maltreatment is lacking, and I do not think it necessarily follows that the imprisonment claimant actually underwent, and that feared in anticipation, reacted injuriously upon his health. Claimant has failed to show a present disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDUGALL,

OTTAWA, December 22, 1931.

Commissioner.

CASE 2076—HARRY CLAYTON MacDONNELL

The claimant was a Private in the 4th C.M.R., Regimental Number 113427. He enlisted July 23, 1915, at the age of 25 years. He was taken prisoner June 2, 1916, suffering from shrapnel wound in the left shoulder, right knee, and the back of the right hand. He was repatriated to England through Denmark, December 31, 1918. He is not in receipt of pension but has an application pending before the Board. He is married and has one stepchild. Prior to enlistment, he was employed as a railway brakeman, earning about \$75.00 per month, and since his discharge has been a switchman on the C.N.R., earning an average of \$38.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in a coal mine for two years at a twelve hour day, being given tasks physically impossible to accomplish. He has developed rheumatism, bronchitis, myocarditis, and suffers from neglected teeth and attacks of asthma.

An analysis of the evidence reveals:—

Claimant passed through Cologne and Stendal camps on his way to Merseberg, where he spent the remaining period of his captivity. As to the two former camps he has no complaint, but at Merseberg he was compelled to work in the coal mines for over two years. For failing to do the required quantity of work he was thrown into jail, beaten and starved. The work assigned to the prisoners was beyond their power to accomplish, and they were continually beaten because they could not do it. He does not speak of much brutality to himself, but stresses the heavy and continuous work. His main complaint is that he suffers from rheumatism as a result of this treatment, with weakened digestion and some nervous trouble.

The medical record indicates that claimant suffers from bronchitis, myocarditis, with attacks of asthma and rheumatism. His percentage of disability is stated at 50 per cent. Dr. W. J. O'Hara, who certifies to the foregoing, appeared before the Commission. The heart condition is quite definite, with attacks of cardiac asthma. Claimant's medical history sheets contain a statement made by him upon repatriation, which bears out his testimony.

Claimant's case is not very strong as establishing disability resulting from maltreatment whilst a prisoner of war. After a careful study of the record, I have, however, come to the conclusion that there is sufficient evidence to justify an award in his favour, particularly having regard to the period he was compelled to work in the coal mines. I would, accordingly, recommend a payment to claimant of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, November 30, 1931.

Commissioner.

CASE 2077—FREDERICK JAMES McMULLEN

The claimant was a Lance Corporal in the 4th Canadian Mounted Rifles—Regimental number 109158. He enlisted in November, 1914, at the age of 25 years. He was taken prisoner June 2, 1916, suffering from shrapnel wounds in the side, back and face. He escaped on October 8, 1917, and was repatriated to England on October 30, 1917. He was in receipt of pension, granted February, 1918, amounting to \$5.00 per month, which was discontinued in February, 1919. Claimant has not reapplied. He is married and has one child. Prior to enlistment, claimant was a carpenter, earning about 40 cents an hour, and since his discharge has been employed in similar work, at a wage of 85 cents an hour, per 8-hour day. Claimant was decorated with the Military Medal.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. While suffering from the effects of gas he received no medical attention and was compelled to work, and complains of inadequate food, confinement to cells. He suffers from depression as a consequence.

An analysis of the evidence reveals:—

Claimant was in hospital at Courtrai and Duisburg for about two months. In his testimony he complains that he did not receive proper medical attention, but in statement made upon repatriation (which is very detailed) he speaks most highly of the medical attention given him. He was sent to Friedrichsfeld camp, where he complains of beatings for not working as desired, because his wounds troubled him. In his original statement there is no mention of this. He speaks only of being required to do light work and has no complaints as to the treatment. Sent to Cassel and on various working parties claimant continues to complain of physical abuse, as to which, however, his original statement is silent except as to one incident when he says he was hit on his wound, causing great pain. From a farm at Stokum, claimant made an unsuccessful attempt to escape, was given 28 days' solitary confinement, and beaten by the guards. Again, his original statement makes no mention of the beating. He also testifies that he was beaten with a horsewhip at Stokum for failing to do the work required of him. There is not a word, in his original statement, of this incident. Other discrepancies appear between the statement referred to and claimant's testimony, which seriously discount his credibility. He complains of his stomach and pain from his wounds. When asked he also says his nerves are bad.

There is little difficulty in reaching the conclusion, that claimant's recital of his experiences in Germany has been greatly exaggerated. A comparison of his testimony with the statement made when these incidents were fresh in his mind is not favourable to his pretensions. Whatever disability he now suffers from his wounds, which were of service origin, is not a matter for this Commission. In my opinion, claimant has completely failed to make out a case of present disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 7, 1931.

Commissioner.

CASE 2079—JAMES CLEARY MacNEILL

The claimant was a Private in the 15th Battalion—Regimental number 28067. He enlisted in August, 1914, at the age of 29 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England January 13, 1919. He is not in receipt of pension, but intends making application therefor. He is not married but expected to be in the fall. Prior to enlistment, he was employed as a book-keeper, earning \$100.00 per month, and since his discharge he resumed this employment, and now earns about \$175.00 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical treatment while ill, bad food and being compelled to work at hard labour. When he refused to work, he was placed in solitary confinement without food or water. Is now subject to spells of depression.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen camp suffering from the effects of gas. It is his first complaint that he received no medical attention for this condition.

He was sent to Hueberg, where he remained for the duration of the war. He speaks of being beaten and put in cells for refusing to work. Generally he complains of being constantly driven when unable to work, inadequate food and lack of medical attention. There is really very little of abuse or hardship in his testimony. As a result of these experiences he has trouble with his stomach and head—severe headaches. He declares he is run down and depressed.

The medical record indicates, in a very general manner, that claimant suffers from fits of depression. His percentage of disability is stated at 35 per cent and it is even stated that claimant may become indigent and dependent upon the Province. Dr. G. S. Buck, who certifies to the foregoing, appeared before the Commission. His evidence, if anything, detracted from the findings contained in his certificate. He finds that claimant has improved in health and is unable to say clearly in what way the so-called fits of depression incapacitate him.

Clearly, this case should not have been put before this Commission. The evidence of maltreatment is so general and vague, and the proof of disability so unconvincing, that claimant has quite failed to make out a case. If his health has been impaired through service—from the effects of gas—his recourse is not before this Commission. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 8, 1931.

Commissioner.

CASE 2080—JAMES MILNE

The claimant was a Private in the 15th Battalion—Regimental number 27977. He enlisted in August, 1914, at the age of 37 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was released to Holland in March, 1918, and repatriated to England on November 2 of that year. He is not in receipt of pension nor has he made application therefor. He was a widower at the time of enlistment and has one child now 22 years of age. He has since remarried. Prior to enlistment, he was employed as a gas fitter, earning about \$10 a week, and is now employed by the City of Toronto, as a cleaner, at an average wage of \$30 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work in the salt mines, where the labour was long and arduous, the food poor and beatings frequent. He now suffers from neurasthenia, chronic gastritis and haemorrhoids.

An analysis of the evidence reveals:—

Claimant spent three years of his period of captivity in the ill-famed Beienrode salt mines, under conditions of hardship, deprivation and cruelty with which we are familiar from the statements of other prisoners who had the misfortune to be sent there. (See case No. 1875). Claimant refers particularly to one incident, when he was hit on the head with a hammer in the hands of a guard. This was for reporting sick. Claimant refers to this period of captivity as nothing but slavery. He complains of bronchitis and a stomach condition resulting from this treatment, and is also slightly deaf in one ear.

The medical record indicates that claimant suffers from neurasthenia, chronic gastro-enteritis and haemorrhoids. His percentage of disability is stated at from 30 per cent to 35 per cent. Dr. Mortimer Fleming, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files would appear to attribute his bronchial condition to the effects of gas, but infer that disability has resulted from "exposure in the salt mines in Germany".

The lot of prisoners who spent time in the Beienrode salt mines has frequently been submitted to the Commission. The story told is one of constant cruelty and abuse, and as explained in Opinion annexed to the present report the fact of time spent at this camp is almost sufficient to justify an award. In the present case claimant has, I consider, shown disability resulting from his treatment at Beienrode and should receive an award. I would, accordingly, recommend a payment to him of \$600, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 2082—ROBERT GORDON McKAY

The claimant was a Private in the 15th Battalion—Regimental number 799556. He enlisted in January, 1916, at the age of 23 years. He was taken prisoner April 19, 1917, suffering from a gunshot wound in the left arm. He was repatriated to England on January 7, 1919. He is not in receipt of disability pension, but states he has made application therefor. He was married in November, 1923, and has two children. Prior to enlistment, he was driver of a bread wagon at \$12 per week, and since his discharge has been shipper in a wholesale house, at \$27 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of insufficient food and insanitary living conditions, and that on one occasion he was knocked down by a guard with a rifle. He alleges a nervous condition and sleeplessness, also a swelling in the chest.

An analysis of the evidence reveals:—

Claimant was confined in Fort Macdonald, at Lille, for some time after capture under conditions with which we are familiar. This appears to have been a measure of reprisal adopted by the Germans for alleged maltreatment of their own prisoners. Very little food was given the prisoners and they were compelled to work close to the lines of fire. Claimant was moved to a number of places as to which he is not very clear. On one occasion he fell down an open trap and injured his back, from which he still suffers. Claimant appears to have spent time at Friederichsfeld, Parchim and Wurzburg (sic) where he complains of the heavy work and inadequate food. He complains of the condition of his nerves and the injury to his back.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history file shows nothing unusual, his last medical board, upon discharge from the service, declaring all systems normal. In his file appears a statement, made by him upon repatriation, in which he stressed the lack of food and heavy labour imposed upon prisoners close behind the lines.

In the absence of any medical evidence establishing disability, it is manifestly impossible to reach a finding in claimant's favour. He has failed to prove one of the elements necessary to an award. His recourse, if disability should be shown, will be before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2083—THOMAS JAMES NOON

The claimant was a Private in the 15th Battalion—Regimental number 27384. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering from gas. He was repatriated to England December 31, 1918. He is not in receipt of pension, although he has an application now under consideration. He was married February 7, 1918, and has three children. Prior to enlistment, he was employed as an automobile mechanic, averaging from \$15 to \$25 per week and since his discharge is employed as a locomotive fireman, now earning about \$30 per week although it goes as high as \$50 per week when he is in steady employment.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work in the salt mines where he suffered from blows, exposure, hard labour and starvation.

An analysis of the evidence reveals:—

Claimant, after 3 months at Gottingen camp, where the treatment was rough, found himself sent, by way of Celle-lager, to the ill-famed salt mines at Beienrode where he remained 43 months. We are familiar with the cruel and harsh treatment meted out to prisoners at this camp. (See Case No. 1875) He was punished by being tied to posts, as were others, working underground and was struck across the throat with a pick handle by a guard. He lost the power of speech for 6 months and still speaks in a noticeably hoarse whisper. He speaks of other incidents of abuse, but, as these have left no permanent disability, he does not regard them as of any importance. He suffers from his stomach, which he attributes to the poor food conditions. Claimant is corroborated by other prisoners who have appeared before the Commission.

The medical record indicates that claimant has sustained a rupture of the larynx, resulting in loss of voice, and suffers from chronic bronchitis. His percentage of disability is stated at 10 per cent in his own calling and at 25 per cent in the general labour market. Dr. F. A. Adams, who certifies to the foregoing, appeared before the Commission. In his testimony he expresses the opinion that the throat condition resulted from a blow and bases this opinion upon the history of the case and his own observations. He also speaks of bronchitis and a stomach condition as disablements from which claimant suffers. Claimant's medical history files disclose nothing unusual.

As I have said in other cases arising out of imprisonment in the salt mines, it is surprising that men came through their experiences as well as they did. The treatment was brutal, violent and cruel and I have no hesitation in finding, in this case, that claimant was subjected to maltreatment which has resulted in permanent disability to him. (See opinion annexed to the present report). Having regard to all the circumstances, I would recommend a payment to claimant of \$700.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 2, 1931.

CASE 2085—PETER COMISTON NICOLSON

The claimant was a Private in the 15th Battalion—Regimental number 27936. He enlisted in August, 1914, at the age of 31 years. He was taken prisoner April 24, 1915, during the Second Battle of Ypres, unwounded but suffering from gas. He was repatriated to England December 31, 1918. He is not in receipt of disability pension. He lately made an unsuccessful application therefor and states that he proposes to lodge an appeal. The grounds of his application were

eyesight and bronchitis. He is married, but has no children. Prior to enlistment, he was employed by the National Cash Register Co. as a repair man, at a salary of \$18.00 per week, and since his discharge has been in the employ of the Ontario Government as a gardener at Mimico Hospital, at a salary of \$1,125.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being made to work in the salt mines, of being beaten and abused, refused medical attention and starved. He states that he is suffering from a bronchial condition, and that his eyesight has been impaired by the glare of the salt mine and the gases generated by blasting.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen camp where he complains of a beating for refusing to work. A worse fate awaited claimant however. He was sent to the notorious Beienrode salt mines, where he remained for $3\frac{1}{2}$ years. Here he was subjected to brutality with which we are familiar from the statements of other prisoners. (see Case No. 1875) He was beaten and on one occasion hit over the head with a fishplate. Suffering from boils or salt sores—he had 16 at one time—he was denied medical attention and compelled to continue working. As a result of his experiences he declared that his eyesight has been impaired due to the glare in the mines and that he suffers from bronchitis which he attributes to the fumes in the mines, against which he was given no protection. He suffers also from his stomach.

The medical record indicates that claimant suffers from chronic bronchitis, and that his eyesight is impaired. His percentage of disability is stated at 100 per cent in his own calling and at 50 per cent in the general labour market. Dr. C. A. McClenaghan, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files refer to a neurasthenic condition.

As I have had occasion to say, in other cases coming from the Beienrode salt mines, it is surprising that the sum total of claimant's disabilities are not greater, after $3\frac{1}{2}$ years imprisonment at that camp. The general testimony bearing upon conditions at Beienrode overwhelmingly establishes almost unbelievable cruelty and brutality on the part of the guards. I find evidence in this record of maltreatment which I consider has contributed to claimant's loss of health. I would, accordingly, recommend a payment to him of \$600.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 2, 1931.

Commissioner.

CASE 2086—FRANK O'DONOHUE

The claimant was a Corporal in the 3rd Battalion,—Regimental No. 9944. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering slightly from gas. He was repatriated to England November 18, 1918, having been previously released to Holland in April of that year. He is not in receipt of pension, but has made application therefor. He was married May 7, 1919, and has no children. Prior to enlistment, he was employed as cabinet maker with a piano factory, earning up to \$8 per day, and since his discharge worked at various occupations, averaging from \$4.00 to \$6.00 per day, but has not worked for the past five years.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of beatings, lack of medical attention for boils, punishment parades and general abuse.

An analysis of the evidence reveals:—

Claimant does not complain of maltreatment at Giessen, where he spent 8 months, nor at Saltau or Lichtenhorst where he was next sent for short periods. At Hestenmoor, he complains of the enforced exercise of parading for hours at a time as a punishment for refusing to volunteer to work. Denial of parcels and poor food are the only other complaints at this camp. Next sent on a working party out of Saltau, his feet were injured by being forced to wear wooden clogs. Claimant suffered from boils, but the only treatment received was to be beaten with belts to break the boils. His finger became infected and because he could not work with it in that condition, he was hit with the butt of a rifle and had several teeth knocked out. Outside of bronchial asthma and some sinus trouble, claimant admits that he has no particular disability.

The medical record discloses that claimant suffers from asthma and sinus trouble—right side. His percentage of disability is stated at 50 per cent in his own calling. The physician (name indecipherable) who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files disclose nothing unusual, all systems being declared to have been normal upon discharge from the service. Claimant states that his bronchial condition was not present when he was repatriated to England.

It is obviously impossible to find in claimant's favour in this case. Not only is the medical evidence unsatisfactory, but claimant has not shown that his present condition results from any ill treatment received whilst a prisoner. The asthma may or may not have originated in Germany, and I do not find the evidence as to the loss of teeth convincing. Claimant's recourse, if any, is elsewhere. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 2087—GEORGE HOMER PATTERSON

The claimant was a Private in the Princess Patricia Canadian Light Infantry Battalion—Regimental No. 475984. He enlisted July 22, 1915, at the age of 22 years. He was taken prisoner June 2, 1916, suffering from gunshot wounds in the left arm and wrist, also had a slight touch of gas from liquid fire. He was repatriated to England November 8, 1918, having been exchanged to Holland in May of that year. He is in receipt of a 20% disability pension, amounting to \$23.00 per month for himself and family, based on the wound in the left shoulder. Prior to enlistment, he was employed as an Accountant with the Calgary Gas Company, at a salary of \$1,300.00 per annum, and since his discharge has held various positions, ranging from \$2,100.00 per annum to \$40.00 per week at present, being commissions as a salesman.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work in a gas plant for two years handling hot tar, shovelling coal, etc., and being punished by long solitary confinement for attempting to escape, with resultant damage to his health—his nerves, heart and eyesight being affected.

An analysis of the evidence reveals:—

After being wounded, claimant lay for several days in the field, was finally brought in and his wound dressed. Eventually the condition of his wound becoming aggravated, through lack of early attention, he was operated upon by a German surgeon. The treatment was of the best and claimant has no complaint as to the medical attention he received while in Germany. He was taken

to Stuttgart, No. 2 camp, where he remained during his entire period of captivity. In company with three other prisoners he attempted to escape, was recaptured and placed in solitary confinement. His complaint is that the conditions of this confinement were so severe and the sentences imposed upon him by court martial for the attempted escape were so unreasonable that his health has suffered. After serving 14 days, the punishment given him, he was compelled to remain in cells for a further protracted period (3 months) under conditions of sanitation which are described as filthy and inhuman. He was again tried, apparently for the same offence (which is stated to have been mutiny) and sentenced to 7 months, which, however, he did not serve. The apprehension of serving this sentence, which remained hanging over his head, in view of his previous experience in cells, was intense, and he alleges that the mental suffering entailed has affected his heart and nervous system very seriously with consequent reduction in his earning ability. He received no physical abuse at Stuttgart camp and declares that he saw none. The statement of claim, as indicated, asserts maltreatment in the work claimant was called upon to do, but at the hearing his complaint was confined to the mental strain of his confinement, and threatened incarceration under court martial.

The medical record discloses that apart from the disability to his arm, in regard to which he is receiving pension, claimant is suffering chiefly from his nerves, manifested by an inability to concentrate. His medical history sheets do not indicate any complaint by claimant on this score, nor does any diagnosis appear which would establish a disability on this head of claim. The medical affidavits filed in support of his claim give him a disability of approximately 25%, without however clearly distinguishing between his service disability and incapacity resulting from his experience as a prisoner of war. It is worthy of note that on his military file appears the statement, presumably made by claimant, that he was well treated in Germany.

Claimant undoubtedly suffered great mental strain due to his unfair imprisonment but I do not consider that this can be said to have caused him permanent disability or that the treatment can be regarded as maltreatment within the meaning of the reparation sections of the Treaty of Versailles. Viewing all the circumstances, I am of opinion that claimant's disability, if any, results from general conditions and is properly a matter for the consideration of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDUGALL,

Commissioner.

OTTAWA, November 30, 1931.

CASE 2038—STANLEY EDWARD PARKER

The claimant was a Corporal in the 15th Battalion—Regimental No. 27528. He enlisted in August, 1914, at the age of 22 years. He was taken prisoner April 24, 1915, during the second Battle of Ypres, unwounded but suffering from gas. He was released to Holland in June, 1918, and was repatriated to England March 6, 1919. He is not in receipt of pension, but has made application therefor. He is married and has two children. Prior to enlistment, he was employed as a mechanic, earning \$20.00 per week, as a boy, and since his discharge he has been employed as an automobile mechanic, earning from \$25.00 to \$30.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being made to work in the salt mines, beatings, starvation, heavy labour and general abuse.

An analysis of the evidence reveals:—

Claimant was unfortunate in being selected to serve time in the notorious Beienrode salt mines. He spent three years there and tells the familiar story of cruelty, brutality and physical violence recounted by other prisoners in the same camp. (See Case No. 1875.) After a short sojourn at Gottingen and Celle-lager, at the latter of which he was tied to a post for two hours with his heels clear of the ground, facing the sun without a cap, he reached Beienrode. Here he was repeatedly beaten, hit over the head, with resultant damage to his hearing, and sent to prison in Cologne for thirty days. He received no medical treatment and was suffering from starvation and salt sores. Claimant complains chiefly of his hearing and of a body rash which still breaks out periodically.

The medical evidence indicates that claimant suffers from severe eczema over a large part of the body, and deafness. His percentage of disability is rated at from 40 per cent to 50 per cent. Dr. O. K. Thomson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show "all systems normal" upon discharge from the service.

Claimant appears to have come through his experiences in the salt mines with surprisingly little disability. There is, however, evidence of some disability now present, which, for the reasons given in Opinion annexed to the present report, I consider may be ascribed to maltreatment whilst a prisoner of war. Scarcely without exception, claimants coming from these salt mines bear the marks, mental and physical, of their experiences. I would, accordingly, recommend a payment to claimant of \$600, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 2, 1931.

CASE 2089—ERNEST ALBERT PAY

The claimant was a Sergeant in the 15th Battalion—Regimental number 27596. He enlisted in August, 1914, at the age of 30 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but slightly gassed. He was released to Holland in March, 1918, and repatriated to England October 4 of that year. He was in receipt of a small pension, amounting to \$7 per month, based on neurasthenia but this was discontinued August 31, 1920. He has applied for reinstatement. He was married at the time of enlistment and has no children. Prior to enlistment, he followed the trade of carpenter earning about 45 cents per hour, and is still engaged in this trade, earning an average of about \$35 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work for long hours in the silver mines, starvation diet, given impossible tasks, received beatings, exposed to cold, lack of fuel and clothing, all resulting in heart and nerve trouble.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he complains only of the food. Sent to the mines at Laurenberg, for 3 months, for refusing to work, he was beaten, but with no resultant disability. Returned to Giessen, claimant was then sent to Lichtenhorst, and thence to Hestemoor. He does not complain of physical abuse but speaks of the long hours of punishment drill meted out to the prisoners. Sent to Hameln and Grossenmoor, claimant received some, if little, medical attention for a heart condition which was troubling him. As an N.C.O.,

he appears to have escaped much of the brutality to which other prisoners were exposed, and the disabilities from which he now suffers may be said to be consequent upon general camp life and deprivation. Claimant declares that he has sinus trouble, an ulcerated stomach and that his nerves are bad. He admits that his condition has improved.

The medicad records indicate that claimant suffers from endocarditis, nerve shock, chronic rhinitis and slight deafness. His percentage of disability is stated at 20 per cent. Dr. D. A. Mackay, who certifies to the foregoing, appeared before the Commission. It is his opinion that claimant is not greatly incapacitated, but is highly nervous. Claimant's medical files show some hospitalization for neurasthenia debility in 1918.

In view of the general nature of claimant's present condition, with comparatively little disability, I do not consider that he has succeeded in showing that maltreatment whilst a prisoner of war was the originating cause. Without venturing a finding that he is presently disabled, I regard his case as one entirely for the consideration of the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2090—WILLIAM PARKER

The claimant was a Private in the 15th Battalion—Regimental number 27530. He enlisted in 1914 at the age of 20 years. He was taken prisoner April 23, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England on January 1, 1919. He is not in receipt of disability pension and states that he does not intend to apply therefor. Prior to enlistment, he was a cotton spinner earning \$1.25 per day, and since his discharge has been in the employ of the same knitting company, as a machinist, at a salary of \$18 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of frequent beatings at the salt mines, insufficient food and general abuse. He alleges a nervous condition and chest and stomach trouble.

An analysis of the evidence reveals:—

After a short stay at Gottingen camp, claimant was sent, via Celle-lager, to the ill-famed Beienrode salt mines, where he remained for the period of his captivity. He tells a story of long hours, heavy work, constant brutality and beatings with which we have grown familiar from the statements of other prisoners in this camp. (See Case No. 1875). No medical treatment was given claimant for numerous attacks of salt poisoning which developed into boils, and he contends that he still suffers from recurring attacks of boils. He complains of his nerves, his stomach, bronchitis, and generally lowered power of resistance.

The medical record indicates that claimant suffers a bronchial affection and is susceptible to recurring boils. His percentage of disability is stated at 75 per cent in his own calling, and at 50 per cent in the general labour market. Dr. C. I. Scott, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show nothing unusual, his last medical board, upon discharge from the service, declaring all systems normal.

Claimant is fortunate in coming through his experiences in the notorious salt mines without greater disability. As stated in Opinion annexed to the present report, it requires very little corroborative evidence of maltreatment by claimant, to justify a finding in his favour, once he has established that he

spent time at Beienrode. The conditions were so harsh, the labour required so exacting, and the treatment accorded so cruel, that I have no hesitation in finding in claimant's favour. I would, accordingly, recommend a payment to him of \$600, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 2, 1931.

CASE 2091—ALFRED WALTER PEAGRAM

The claimant was an Imperial soldier serving as a Lance Corporal with the Machine Gun Corps—Regimental No. 99780. He came to Canada to reside in August, 1912, and at the outbreak of war he returned to England and enlisted there, on December 10, 1915, at the age of 25 years. In his evidence he gives the date of his birth as September 10, 1897, which would make him 18 years at the time of enlistment. He was taken prisoner on the Cambrai Front March 21, 1918, unwounded. He was released November 11, 1918, and made his way back to England through Belgium, arriving December 6, 1918. He was in receipt of an Imperial pension of 40 per cent disability, which he commuted June 23, 1921, for the sum of \$434.19. This pension was based on chronic gastritis. Was married August 4, 1913, and has no children. Prior to enlistment, he was employed as a clothing salesman, earning about \$20 per week, and since his return to Canada he has been employed with a clothing concern and is now store manager, earning \$45 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He states that he was not sent to a prison camp in Germany but was detained behind the lines near Cambrai. Here they were wakened every morning with horsewhips. Were forced to work in different places unloading barges. Became weak through starvation, and was covered with boils but was refused medical attention. Refused to unload a cannon from a railroad truck and was beaten with a whip made of wire. He was struck in the face with this and still carries the scar. Developed stomach trouble from which he still suffers, and has tuberculosis.

An analysis of the evidence reveals:—

Claimant was a prisoner for 8 months only, but went through very harrowing experiences. His testimony bears out the treatment set out in his statement of claim. In addition he has shown that food was very scarce and the prisoners were the last to receive anything. They were even beaten for attempting to get food offered them by the civilian population. After three months of this treatment behind Courtrai, claimant was sent to Denain on similar work. Conditions were equally bad and claimant was again beaten with wire whips. He still bears on his face the scar of a blow received at this time. Later, at St. Amant, the same treatment was meted out to claimant and other prisoners. He describes himself, at this time, as a living skeleton. The lot of prisoners made to work behind the lines was most unfortunate and there is evidence to show that they were in the last stages of collapse and exhaustion when sent on to prison camps. Claimant alleges that these experiences have resulted in gastric trouble and tuberculosis, and that he is greatly incapacitated in his work.

The medical record indicates that claimant suffers from pulmonary tuberculosis. His percentage of disability is stated at 50 per cent. Dr. J. S. Green, who certifies to the foregoing, has supplemented his original certificate with a detailed report. He finds pulmonary tuberculosis of both lungs, moderately advanced, which diagnosis is confirmed by an X-ray examination. The con-

dition is apparently arrested but constitutes a constant menace to claimant. The stomach condition has greatly improved and is no longer a major disablement.

Although a prisoner for so short a time, it is beyond question that claimant was subjected to a very cruel form of maltreatment. Made to work at tasks which assisted the enemy, and deliberately starved, it is not surprising that his health gave out. I regard this case as one involving maltreatment with quite definite resultant disability. Having regard to all the circumstances, I would recommend a payment to claimant of \$1,000 with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 2092—GORDON JAMES PRICE

The claimant was a Private in the 15th Battalion—Regimental number 27532. He enlisted in 1914 at the age of 25 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but states that he was gassed. He was repatriated to England on January 31, 1919. He is not in receipt of pension, and states that he does not propose to apply therefor. He was married in June, 1920, and has one child. Prior to enlistment, he was a structural steel draughtsman, at a salary of \$125.00 per month, and he is now similarly employed, with the Dominion Bridge Company, at a salary of \$365.00 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains he was struck with a rifle butt and a coal shovel when he refused to work, also that the farm work he was later compelled to do was so heavy that he strained his back. He states further that he contracted rheumatism through becoming wet at his work and there being no drying facilities nor change of clothing, and, that while suffering from an attack of influenza in 1918, he received no medical attention, with the result that his lungs have been weakened.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp, where he complains only of the food. Sent to the salt mines at Salsted, he remained only two weeks, due to an attack of boils. He was beaten for refusing to work and sent back to Gottingen. After a short stay here, claimant was sent to a farm, where he remained for about two years. The work was heavy but the treatment was fair. He complains that he injured his back, carrying heavy sacks of grain and still suffers therefrom. Transferred to Cassel, and thence to a lumber camp, where he spent a winter, he complains that he contracted rheumatism from working in the wet, without change of clothing and no heat in barracks. Sent to a saw-mill, he contracted flu and remained in bed for a month, without any medical attention, to which he attributes a chest and lung condition.

The medical evidence is very general. Certificate of Dr. M. E. Reid is filed, declaring claimant to be suffering from chronic cough, with disability stated at 20 per cent in his own calling and 50 per cent in the general labour market. Dr. N. A. Parr also filed a certificate to the effect that claimant suffers from recurrent bronchitis. Claimant's medical files show nothing unusual. All systems were declared normal, upon examination, at time of discharge from the service.

The medical evidence makes no reference to any injury to claimant's back nor to any rheumatic condition. It is impossible to say, from the record, that claimant's bronchial and possible chest condition are the result of maltreatment whilst a prisoner of war. I would regard these ailments as of general origin, and may possibly give rise to a claim for pension. As far as this Commission is concerned, the claim fails and is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 2093—EDWARD RODGERS

The claimant was a Sergeant in the 15th Battalion—Regimental number 27422. He enlisted in August, 1914, at the age of 34 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering from gas. He was released to Holland in March, 1918, and was repatriated to England on October 24 of that year. He was in receipt of pension, amounting to \$18.00 per month, based on peritonitis, but this was discontinued. He has no application pending for reinstatement. He was a widower at the time of enlistment and had three children now all of age. Prior to enlistment, he was employed as a linesman with the Hydro-Electric, earning \$27.00 a week, and is now with the same company earning \$41.00 a week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general abuse, being compelled to stand at attention for hours and non-receipt of parcels, as well as **lack of medical attention.** He developed bronchitis as a result of exposure.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp, where, suffering from hydrocele, the only attention he received from the doctor was a kick, which aggravated his condition. This condition was present to some extent before enlistment. He did receive some, if little attention for this trouble, and was finally operated upon in Holland. Claimant admits that now this condition does not disable him. At Gottingen and Cassel, as an N.C.O. he was not compelled to work, but was made to stand at attention for long hours and received some rough treatment. Sent to Bohinte, the treatment was harsher, the prisoners being at the mercy of a particularly brutal officer, one Mueller. Claimant could get no medical attention, was made to stand out in all weather and generally was knocked about. He speaks also of having been hit in the mouth by a German soldier, and lost two teeth. He confines his complaint to a chest condition from which he suffers.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical files show some hospitalization in England for appendicitis and debility. An ear condition also appears in the records, but claimant makes no mention of this.

In this state of the record—there being no medical evidence—I am of opinion that claimant has failed to establish a present disability resulting from maltreatment whilst a prisoner of war. His recourse, if any, is before the Board of Pension Commissioners. The chest condition of which he complains, if proven, would be the result of general conditions of camp life in Germany. The claims must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 2094—WILLIAM RUSS

The claimant was a Sergeant in the 15th Battalion—Regimental number 27146. He enlisted in August, 1914, at the age of 29 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was released to Holland in March, 1918, and was repatriated to England November 18 of that year. He is in receipt of a 25 per cent disability pension, amounting to \$35.00 per month for himself and family based on bronchitis and emphysema. He was married March 15, 1919, and has three children. Prior to enlistment, he was employed as a bookbinder by the T. Eaton Company, at a wage of \$10.00 per week, and since his discharge was given vocational training, returned for a time to the T. Eaton Co., and is now employed as a labourer with the City of Toronto, at \$30.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of an injury to his wrist, caused by being struck with a staff of wood. Suffers from a bronchial condition and emphysema, caused by the living conditions and exposure while held prisoner.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp. The only incident of physical abuse of which he speaks occurred here; he was struck on the wrist by a sentry who caught him purchasing rations from a Russian prisoner. The wrist was injured, but claimant does not now suffer much, if any, disability therefrom. At Cassel, Langensalza and Bohinte camps claimant has no complaint of particular maltreatment, except as to food and long periods of punishment drill and standing to attention. He complains chiefly of a bronchial condition with some disability to the wrist. The complaint is general, poor food and exposure being the main features.

The medical record indicates the presence of an old fracture of the tip of the right radius and that claimant suffers from bronchitis. His percentage of disability is stated at 100 per cent in his own calling and at 25 per cent in the general labour market. Dr. S. G. Parker, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files deal with his chest condition, which apparently has shown some improvement. It is for this condition that claimant receives pension.

The injury to claimant's wrist, as far as I can ascertain, does not result in disability. His bronchial condition cannot be said to result from any particular maltreatment and is more a consequence of general camp conditions. I do not regard the case as one properly for this Commission. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 2096—OLIVER JOSEPH SHERBOURNE

The claimant was a Private in the 14th Battalion—Regimental number 26603. He enlisted in August, 1914, at the age of 18 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from shell shock. He was repatriated to England November 18, 1918. He was in receipt of disability pension of \$6.00 per month, based on "debility," but it was discontinued in February, 1920. He states that a fresh application has been filed. He was married in 1921 and has two children. Prior to enlistment, he was employed by Gordon Mackay & Co., at a wage of \$15.00 per week, and since

his discharge has been in the employ of the Toronto Hydro for 10 years, at a salary of \$35.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was struck and wounded in the arm by a guard and received no medical attention, was beaten and made to work in water on the moors, was starved and subjected to general abuse.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp. For refusing to work in an ore mine, he was beaten with rifle butts and injured in the arm by a miner's lamp, the hook penetrating to the bone. He received no medical attention for this injury. Removed to Lichtenhorst, he has no complaints, but at Bradenmoor, working on draining the moors, he complains of the hard work and exposure. He made an unsuccessful attempt to escape, was beaten upon recapture and confined to cells for two weeks. Another attempt to escape from a farm earned claimant similar treatment. At a small camp out of Saltau (Lorop sic), the sergeant-major in charge was particularly brutal. Suffering from dysentery, in a cell, lying on the floor, he was kicked repeatedly by this sergeant-major. Claimant was so weak that he fainted, while hoeing potatoes, at a farm he was then sent to. He complains generally of his mental and physical condition.

The medical record indicates that claimant suffers from chronic bronchitis, nervous debility and deficient hearing—right ear. His percentage of disability is stated at 60 per cent in the general labour market. Dr. T. B. Edmison, who certifies to the foregoing, appeared before the Commission. He confirms his certificate and finds claimant's chief trouble to be his stomach and nervous condition. He speaks highly of claimant and finds him markedly debilitated. Claimant's medical history files show debility which may or may not have resulted from shell shock.

As far as claimant's defective hearing is concerned, this may be attributable to shell shock from which he was suffering when captured. His remaining disabilities are quite general, but I think the evidence will support a finding that they are, in part at least, due to maltreatment to which he was subjected whilst a prisoner of war. Viewing all the circumstances, I would recommend a payment to claimant of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDUGALL,

Commissioner.

OTTAWA, December 3, 1931.

CASE 2097—JAMES WILLIAM SINCLAIR

The claimant was a Private in the 3rd Battalion—Regimental number 9719. He enlisted in August, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a gunshot wound in the right leg and gas. He was repatriated to England January 1, 1919, after having spent a week in hospital in Denmark. He is in receipt of a 10 per cent disability pension, amounting to \$15.00 per month for himself and family, based on the wound in his right leg and superimposed Psycho-neurosis. Prior to enlistment he was employed at truck driving, earning \$18.00 per week and he is now employed as a labourer with the Consumers Gas Company, at \$27.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in the coal mines where he was beaten up on two occasions, once with

a rubber hose and butts of rifles and had his arm knocked out of joint. Was sent to the salt mines and beaten because he was unable to work and was taken to hospital. Now suffers from nervous disorders.

An analysis of the evidence reveals:—

Claimant was first taken to Roulers, and then to Magdeburg, where he was in hospital for about a year. He complains of being operated on for the removal of bone from his arm, without anaesthetic, and speaks of the treatment in hospital as persistent cruelty. He was sent to Altongrabow, where he was placed on light duty. For falling, he was beaten, resulting in blood poisoning of his wounded arm and was in hospital for nine months. The treatment in hospital was better. Upon discharge he was sent to a coal mine and for attempting to escape, was beaten and transferred to salt mines near Merseberg. He was here 7 or 8 months and was beaten for failing to work. He complains of injuries to his eyes, his wounded arm and declares that his nerves are seriously affected, with some stomach trouble.

The medical record indicates that claimant shows evidences of a gunshot wound in right leg, below the knee, that he suffers from nervous debility, causing headaches and affecting his speech. His percentage of disability is stated at 20 per cent in his own calling and at 40 per cent in the general labour market. Dr. C. M. Murray, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files speak of a nervous condition, but show that upon discharge from the service, claimant was apparently normal.

Claimant has not, I consider, succeeded in showing that lack of medical treatment in Germany caused any aggravation of the disability resulting from his wounds. He has, however, proven treatment which has had an unfavourable repercussion upon his nervous system—treatment which went beyond what was fair and reasonable—and which I regard as constituting maltreatment in the sense of the reparation clauses of the Treaty of Versailles. As always, it is difficult to measure the pecuniary damage caused, but I would recommend a payment to claimant of \$800.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, November 30, 1931.

Commissioner.

CASE 2098—THOMAS WILLIAM SPALDING

The claimant was a Private in the 15th Battalion—Regimental number 27259. He enlisted in August, 1914, at the age of 19 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but states that he was gassed. He was repatriated to England January 1, 1919. He is not in receipt of a disability pension, but has an application pending. He is unmarried. Prior to enlistment, he was a shipping clerk in a wholesale produce warehouse at \$7 per week, and since his discharge has been employed successively by the Ford Motor Company at \$40.00 per week, and the Goodyear Tire and Rubber Company at \$25.00 per week, and more recently has had various occupations, painting and decorating on his own account, and earning approximately \$25.00 per week. For some time past he has been out of work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that the acids generated in the salt mines in which he worked for three and a half years loosened his teeth, all of which had to be extracted on his return to Canada. He also complains that the conditions in which he worked have given rise to stomach trouble and headaches, rendering it necessary for him to engage in outside work only.

An analysis of the evidence reveals:—

Claimant was first taken to Gottingen camp, as to which he has no complaints. He was then sent to the salt mines at Beienrode, via Saltau, where he remained for 3½ years, working underground under conditions of brutality and cruelty with which we are familiar. He does not say much as to physical abuse to himself, referring only to one incident when he was badly beaten by the civilian guards for not working fast enough. He complains that the acids in the mine affected and loosened his teeth, necessitating their extraction upon his return to Canada. He also complains bitterly of the food conditions, with resultant damage to his digestive system. He moreover, attributes severe headaches to his experiences in the salt mines.

The medical record indicates that claimant suffers from pains and cramps in the stomach, fullness and distress after eating, exudation of gas. His percentage of disability is stated at 100 per cent in his own calling and at 50 per cent in the general labour market. Dr. Forbes Godfrey, who certifies to the foregoing, did not appear before the Commission. It would have been desirable to have some explanation of the high degree of disability stated. Claimant's medical history files show nothing unusual, all systems being declared normal upon discharge from the service.

There does not appear to be any basis in fact for the percentage of disability given this claimant. He appeared in good health before the Commission, and, were it not that he had spent so long a period in the salt mines I would not allow the claim. Knowing what we do about this ill-famed camp, and, having regard to awards made to other prisoners who were unfortunate enough to spend their period of captivity there, I am inclined to give claimant the benefit of the doubt and to find that he has suffered some disability resulting from maltreatment whilst a prisoner of war. I would, according, recommend a payment to him of \$600.00, with interest thereon, at the rate of 5 per cent per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2099—DONALD SUTHERLAND

The claimant was a Corporal in the 75th Battalion—Regimental number 805649. He enlisted March 29, 1916, at the age of 20 years. He was taken prisoner April 9, 1917, suffering from gunshot wounds in the arm and leg. He was repatriated to England December 26, 1918. He is not in receipt of pension but has an application pending. He was married in June, 1928, and has no children. Prior to enlistment, he was employed as an automobile mechanic, at a wage of \$17.00 per week, and since his discharge he resumed the same employment, and now earns \$30.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of work close behind the lines, unnecessary extraction of teeth, confinement to cells.

An analysis of the evidence reveals:—

Claimant was a prisoner for about 20 months. After some hospitalization at Douai, where the treatment was fair, he was confined in Fort McDonald for a few days and was then compelled, with other prisoners, to work behind the German lines, on the Vimy front, digging gun pits and carrying ammunition. Under shell fire from our own guns, working at night with scarcely any food, the conditions were very harsh; beatings frequent, and the work heavy. This continued until December 1917 when claimant was removed to Friedrichsfeld and

thence to Dulmen. Apart from the cold, poor food, claimant has no complaint at this camp. He was then sent to Gustrow, where he was compelled to work on the railway, long hours and very heavy work. He was beaten on one occasion but sustained no permanent injury. He complains of rheumatism and his stomach with some nervousness as resulting from these experiences. He also speaks of having six teeth extracted unnecessarily while a prisoner. It appears that he was suffering from a face eruption and a part of the treatment consisted in extracting the teeth.

The medical record indicates that claimant has lost six teeth, suffers from articular rheumatism, neurasthenia and bilious attacks, with signs of gastric ulcer. His percentage of disability is stated at 75 per cent in his own calling. Dr. W. K. Fenton, who certifies to the foregoing, appeared before the Commission. He confirms his certificate, but is unable to specify the cause or origin of claimant's condition; declares that the rheumatic condition has improved.

The complaints which claimant puts forward are quite general, but from other evidence of conditions applying to men made to work close behind the lines, I am convinced that claimant received treatment which must be regarded as cruel and oppressive and that his health has suffered. Viewing the case as a whole, I am of opinion that there is sufficient evidence of maltreatment followed by disability to justify a finding in claimant's favour. I would, accordingly, recommend a payment to him of \$500 with interest thereon, at the rate of 5 per cent per annum, from the 10th of January, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 4, 1931.

CASE 2100—JOSEPH SMITH

The claimant was a Private in the 15th Battalion—Regimental number 27652. He enlisted in 1914 at the age of 19 years. He was taken prisoner April 24, 1915, during the second Battle of Ypres, unwounded. He was repatriated to England on November 18, 1918, from Holland. He is not in receipt of a disability pension, but states he has an application pending. He was married in August, 1920, and has two children. Prior to enlistment, he was a tailor, earning \$15.00 per week, and since his discharge has followed the same occupation, at a salary of \$32.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of frequent severe beatings and blows, starvation and general abuse. He alleges stomach and heart trouble.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he served 3 months in jail for refusing to work and declares that he was beaten whilst so confined and even hit across the jaw by an officer, with his revolver. While no permanent injuries have resulted therefrom he complains that his heart was affected by the abuse and strain. Sent to Bohinte, made to work upon irrigation canals, he speaks of the conditions of labour and exposure as extremely harsh. At an iron foundry, he was beaten for not working and was put in hospital and excused all work, due to his debilitated condition. From Hameln camp he was repatriated to Holland. He complains of his heart and stomach as constituting his chief disabilities resulting from the foregoing experiences.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files show nothing unusual. His last medical Board, upon discharge from the service, declares all systems normal. There is no record of any hospitalization.

Consideration of this record provokes the view that claimant, in common with others, regards this Commission as a step in an application for pension, and that he hopes by means of a favourable decision here to fortify his pension application. Quite apart from the fact that there is no medical evidence to support his case, I would not be inclined to say that he had established the connexion between whatever disability he may now have and maltreatment whilst a prisoner of war. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2101—THOMAS HENRY SHEAHAN

The claimant was a Private in the 3rd Battalion—Regimental number 9827. He enlisted in August, 1914, at the age of 26 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but states that he was suffering from a touch of gas. He was repatriated to England on November 23, 1918. He is in receipt of a 100 per cent disability pension amounting to \$75 per month, based on "tuberculosis lung". He is unmarried. Prior to enlistment, he was a glass leveller, earning from 30 to 35 cents per hour, and from 1922 to 1928 he was employed by the Toronto Transportation Commission, at a salary of approximately \$35 per week. He has been unable to work for the last 3 years, but states that his position in the Toronto Transportation Commission is being held for him until he is able to return to it.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that for some two years he was compelled to do heavy work at marsh reclamation, which necessitated his standing up to his knees in water at all times, and that there was no opportunity of a change of clothing. He alleges that these conditions, combined with insufficient food, induced his present condition of health.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he speaks of the treatment as fair. For refusing to work he was given three weeks in barracks. Sent to Lichtenhorst, thence to Langemoor, he has no complaint as to the former camp, but speaks of conditions at the latter as very bad—heavy farm work and exposure. He was not physically brutalized at any time, but complains chiefly of having to work in water at Harsum, over a period of two years. There was no change of clothing and he was continually wet. To this experience he attributes his present condition of advanced tuberculosis.

The medical record discloses that claimant suffers from pulmonary tuberculosis. His percentage of disability is stated at 100 per cent by Drs. V. A. McDonough and Wm. P. Sharge. Neither of these doctors appeared before the Commission. Claimant's medical history files confirm the diagnosis quite definitely.

There is no doubt as to claimant's present unfortunate state of health. While inferentially his tubercular condition might be ascribed to the work he was called upon to do as a prisoner of war, I do not consider that this necessarily follows. Claimant's earlier medical records do not indicate this malady, the nervous system only being shown to be affected. The inference that tuberculosis was of post war origin is equally open. With the greatest of sympathy for claimant, I am compelled to find that he has not succeeded in showing that his present condition results from maltreatment whilst a prisoner of war. His recourse is properly before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2102—ROY STAMPS

The claimant was a Private in the 15th Battalion—Regimental number 27541. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas poisoning. He was repatriated to England December 24, 1918. Up to September 15, 1919, he was in receipt of disability pension, based on bronchitis and debility, but it was discontinued on that date. He was married on June 30, 1921, and has two children. Prior to enlistment, he was a steel engraver, at a salary of \$15 to \$18 per week, and is still similarly employed, at a salary of \$30 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he suffers from bronchitis, rheumatism, and stomach trouble, induced by bad working and unsanitary living conditions, and lack of proper food.

An analysis of the evidence reveals:—

Claimant spent 5 or 6 months at Gottingen camp. The treatment was not bad; he was taken down with diphtheria and received fair treatment. Sent to Munster, he remained there a year and complains of being generally hounded by the guards. The work was hard in the canals, the food was bad, but he received very little physical abuse from the guards. He suffered from colds and rheumatism. At Dulmen camp he speaks of general conditions as bad. He was sent to Schneidemuhl, where he remained until repatriated to Switzerland. Working in a sugar factory, conditions were very bad, the work arduous with general, rough treatment. Claimant attributes bronchitis, rheumatism and some stomach trouble to these experiences.

The medical record indicates that claimant suffers from chronic bronchitis, catarrh, chronic rheumatism and general debility. His percentage of disability is stated at 15 per cent in his own calling and at 40 per cent in the general labour market. Dr. W. G. Kenney, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files are quite full and show the conditions of bronchitis and debility, the first being attributed to the effects of gas and the second to exposure whilst a prisoner of war.

I was impressed with the frankness with which claimant gave his testimony. As far as the bronchial condition is concerned, I am bound to regard this as of service origin. On the question of debility I have reluctantly reached the conclusion that this cannot be ascribed to maltreatment whilst a prisoner of war. If disability now results from this condition, it must be laid down to routine life while in Germany, and is properly a matter for consideration by the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 7, 1931.

Commissioner.

CASE 2103—ALFRED GORDON SAUNDERS

The claimant was a Sergeant in the 3rd Battalion—Regimental number 9974. He enlisted in August, 1914, at the age of 28 years. He was taken prisoner April 24, 1915, during the second battle of Ypres slightly wounded in the leg and gassed. He was repatriated to England January 30, 1919, having previously been in Holland for about a year. He is in receipt of a disability pension of \$30.00 (including wife's allowance) based on "bronchitis and nephritis." He is married, but has no children. Prior to enlistment, he was a Bank Messenger at a salary of \$15.00 per week, and since his discharge has been employed as a Silver Plate polisher, at from \$36.00 to \$40.00 per week.

He alleges that, while a prisoner, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of exposure, blows and general abuse, resulting in heart and lung trouble and injury to the spine.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen Camp, where he remained two weeks and complains chiefly of the exposure, not being furnished with sufficient clothing in cold weather and made to stand out on parade without an overcoat. He complains also that, when in hospital from blood poisoning through a wound in the leg, he was hit in the mouth by a nurse, with some injury to his teeth. He was transferred to Saltau and then Hestenmoor, which latter was a non-commissioned officers' punishment camp. For refusing to volunteer to work, the prisoners were given long hours of marching around the square with wooden clogs on their feet. At Hestenmoor he declares that he was struck on the back with the butt of a rifle which has permanently injured his back, and he attributes some curvature, which he says he has, to this incident. He was then taken to Hameln camp, as to which he has no complaints. As a result of these experiences, claimant declares that he suffers with his heart, lungs and has varicose veins. He also speaks about the condition of his back, which troubles him.

The medical record indicates that claimant suffers from chronic bronchitis and nephritis. His percentage of disability is stated at 30%. Dr. T. A. Carson, who certifies to the foregoing, did not appear before the Commission, and declares in his certificate, that the information is taken from the claimant's medical documents. These documents show that the claimant receives a pension for bronchitis and nephritis. There is no mention, in the detailed examination, of any injury to the back.

Claimant has not established the injury to his back. His present disabilities appear to have resulted entirely from the conditions under which he lived and are not shown to be due to any particular acts of maltreatment. I regard the case as one entirely for the consideration of the Board of Pension Commissioners. The claim is accordingly disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2104—HARRY LEWIS SCOTT STONE

The claimant was a Private in the 4th C.M.R.—Regimental number 113579. He states that he enlisted in December, 1914, although the military records show the official date as being February 4, 1915. He was then 22 years of age. He was taken prisoner June 2, 1916, suffering from slight shrapnel wounds. He was repatriated to England December 2, 1918. He is in receipt of a ten per cent disability pension amounting to \$7.50 per month, based on bronchitis and hernia. He was married in March, 1924, and has no children. Prior to enlistment, he was employed as a tinsmith earning \$18.00 per week and since his discharge has had to give up sheet metal work, and is now in the employ of the Customs Department, earning \$1,860.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work while suffering from poisoning and upon refusing to work was placed in solitary confinement without medical attention. Received beatings and was injured in the back from being struck with a rifle.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp. He complains that his wounds were not attended to and became infected. Notwithstanding his condition he

was compelled to go out on a working party dragging heavy logs. Here, when struck by a sentry, claimant rushed at him and was struck on the nose. For engaging in an altercation with a guard whom he calls the punishment master, he was court martialled and given 14 days' cells, which he served under very harsh conditions. He complains that the heavy work broke down the scars of a hernia operation and that he still suffers therefrom. At Schneidemuhl camp, for refusing to work, claimant was in prison camp for nine months, with no medical attention. For an unsuccessful attempt to escape, claimant was given two weeks' solitary confinement, and then sent to a punishment factory, where vitriol was manufactured and complains that he was compelled to work there for seven months, when three months (the usual term of civilian employment) was the utmost of human endurance in such conditions due to the fumes. He complains of his nerves and bronchitis, which he attributes to being made to work when unfit to do so.

The medical record indicates that claimant shows hernia operation wounds broken down, suffers from varicocele, pleural adhesions on left side of chest, attributed to pleurisy with effusion and hypertrophic rhinitis. His percentage of disability is stated at 50%. Dr. J. G. Lee, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files are quite complete and show a pleuritic and hernia condition, bronchitis and varicocele.

Claimant was undoubtedly subjected to rough treatment and I believe that his complaint of being made to work when he was not fit to do so has been established. He appears to have provoked some of his troubles, but I am unable to find justification for the treatment given him. I have reached the conclusion that claimant was subjected to maltreatment which has resulted in disability to him. I would, accordingly, recommend a payment to him of \$500.00, with interest thereon, at the rate of 5% per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 1, 1931.

CASE 2105—MELVILLE TRUEMAN

The claimant was a Private in the 15th Battalion—Regimental number 27610. He enlisted in September, 1914, at the age of 17 years and was taken prisoner April 24, 1915, at the second battle of Ypres suffering from slight shrapnel wound and from the effects of gas. He was repatriated to England in February, 1918. He is in receipt of pension, amounting to \$34.20 per month, based upon neurosis and bronchitis. He was married in September, 1921, and has one child. Prior to enlistment, he was engaged working in a piano works, but is unable to state the amount of salary then received. Since his discharge, he has been working for the Coporation of the City of Toronto, at various employments, and receives a salary of \$28.80 a week.

He alleges that, while a prisoner, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was beaten and given punishment for refusing to work upon munitions. Was struck on the head and face with rifle butts, which have left scars. Due to lack of food and general brutal treatment, developed abscesses, which have resulted in partial paralysis of the legs.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he remained about a year. He was sent out on munitions work, refused to work, was beaten and put in punishment room and made to sit at attention on a stool from early morning to night. During this time he complains of gradually becoming weaker

from the effects of gas, from which he was suffering at the time of capture. He was sent to Geisweid Iron Mines, but was unable to carry on with the heavy labour and was returned to Giessen camp, where, he declares, his legs began to trouble him seriously and he was hardly able to get around. Claimant is very confused and incoherent as to precisely what did happen to him while he was a prisoner of war. He complains bitterly of the lack of food, to which he attributes his generally debilitated condition when repatriated to England. Claimant now appears to be robust and in good health. He complains generally of trouble with his head, with some digestive disturbance.

The medical record indicates that claimant suffers from chronic bronchitis, and from his own statement, has headaches and dizzy spells, resulting from a blow on the head, with marked limitation of leg movement. His percentage of disability is stated at from 40 per cent to 50 per cent in his own calling and at 100 per cent in the general labour market. Dr. W. C. Everest, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files are quite complete and contain also a statement made by claimant upon repatriation. While he speaks therein of general maltreatment, there is not sufficient evidence of brutality to account for his present condition. His file contains a summary of his condition, as prepared at the Christie Street Hospital, in Toronto, and the conclusion reached seems to be that claimant suffers from neurasthenia and probably has some permanent physical disability as a result of his service in France, and his life as a prisoner of war for two and a half years. As stated above, he is in receipt of pension for the condition of neurasthenia and bronchitis referred to.

The condition in which claimant now finds himself is quite general and, after very careful consideration of his evidence and the file submitted, I do not consider that I would be justified in finding that claimant was subjected to such maltreatment, whilst a prisoner of war, as has caused him permanent disability. How far his mental condition may be attributed to the strain of his experiences in Germany, I am unable to say, but I consider that his case is purely one for the consideration of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 2106—FRANK WILLIAM TILLEY

The claimant was a Private in the Third Battalion—Regimental number 9256. He enlisted in September, 1914, at the age of 19 years and was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded. He was repatriated to England on December 31, 1918, and is not in receipt of pension. Claimant was married on September 15, 1928, and has no children. Prior to enlistment, he was employed by the Consumers' Gas Company, at a salary of \$45.00 per month and upon his discharge resumed his work for the same company, and is now earning \$37.00 a week.

He alleges that, while a prisoner of war, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of physical abuse, being forced to work and placed in solitary confinement; blows on the head, burns on the legs and face from working in an iron foundry without adequate protective equipment.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, where he remained until January, 1916. Sent to a farm out of Giessen, he declares that, for refusing to work, he was condemned to dark cells for two weeks and, when again taken out to work, was knocked into a trench by an officer, landing on the back of his head and

was unconscious for some time. He was then sent to Lichtenhorst, as to which he has no complaints. At Bohinte, he attempted to escape and was given the usual 14 days cells. While in cells, he was struck on the back of the head with the flat of a bayonet and suffered considerably from this blow. From Bohinte he was sent to steel works at Osnabruck. Here the work was particularly arduous, the usual day consisting of 12 hours. He was engaged in cutting steel bars with a steel saw and, during the course of the operation, the sparks of hot metal, which he was compelled to face, burned his legs and face, affecting his eyes. While he declares that he was given a small piece of netting to protect his eyes, he was not furnished with goggles such as the German civilians wore. He worked in this foundry for sixteen months and at the end of that period his body, feet and face, were one mass of small burns. He was then sent to a farm. He complains chiefly of stomach troubles and poor vision, both of which he attributes to his experiences in Germany.

The medical record indicates that claimant suffers from gastritis and constipation, that he bears scars at the corner of his eyes indicating an injury which apparently has affected his sight. His percentage of disability is stated at 20 per cent in his own calling and at 40 per cent in the general labour market. Dr. E. C. Tait, who certifies to the foregoing, did not appear before the Commission. Claimant's military history files contain nothing unusual, all systems being declared normal upon discharge from the service.

I see no reason to doubt claimant's story as to the conditions under which he was compelled to work in the iron foundry, and having regard to the medical evidence corroborating the presence of scars on the face and around the eyes, I am of opinion that claimant has suffered some disability as to his vision. The manner in which he was compelled to work indicates such a callous disregard for the life and health of a workman as, in my opinion, amounts to maltreatment. The claimant has made out a case of some present disability resulting from maltreatment while a prisoner of war. I would accordingly recommend a payment to him of \$700.00 with interest thereon at the rate of 5 per cent from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 3, 1931.

Commissioner.

CASE 2107—ROBERT FRANCIS TUNSTEAD

The claimant was a Private in the 3rd Battalion—Regimental number 10174. He enlisted in August, 1914, at the age of 38 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering with shrapnel wound in the left temple and forehead at time of capture. It is noted that his attestation paper discloses that he bore a circular scar on the left temple at the time of enlistment. He was repatriated to England October 12, 1918, having been released to Holland in May of that year. He is in receipt of a 100 per cent disability pension, amounting to \$75.00 per month, based on myocarditis, defective hearing and vision and endocrine disturbance. He was married at the time of enlistment and has seven children, all of age. Prior to enlistment, he was employed as a painter, earning 50 cents an hour, and since his discharge was employed for a short time in Vet Craft shops, but says he has been unable to do any work for the past eleven years.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been struck in the back with a rifle butt, which injured his back, and was further caused to strain it by lifting a heavy iron pipe, resulting in permanent injury. Suffered an injury to his shoulder by another blow and was hit in the ear with a fist which had already been injured by his wounds, so that now he suffers permanent deafness.

An analysis of the evidence reveals:—

Claimant is an old soldier having served in the South African War. He is now 55 years of age. When captured at St. Julien, he declares that he was wounded by a piece of shrapnel—"split in head and was blown up." He points to a circular scar on his left temple as evidence of the wounds then received. In his attestation papers, one of his identification marks is noted as "circular scar on left temple." Taxed with this discrepancy between his story and his documents, he is quite unable to furnish a plausible explanation. Moreover, in his medical file appears the note, taken from claimant's statements on examination; "that he was wounded on left temple by shell fragment at St. Julien, by the Germans." Claimant has a long story of abuse and maltreatment whilst a prisoner in Germany. Stuttgart was the worst camp he was at and he complains of being struck in the back with rifle butts by the sentries and still feels the effect of this beating. He declares the scars still exist, but upon medical examination it is doubtful, in the opinion of my medical adviser, whether there is any trace of such scars. Claimant reports many incidents of beatings at various camps, such as Giessen, Saltau, Lichtenhorst. As a consequence of these experiences, claimant declares that his hearing has been affected, that he suffers from his back, has poor vision, rheumatism and heart trouble. To judge of claimant's reliability, a comparison of the alleged cause of injury to his ears, with the statement made by him and appearing in his medical files, is sufficient:—"Patient states (no documents being available) that he was wounded in left temple by shell fragment at St. Julien, by the Germans. He having fallen after shell explosion and struck the back of his head. Both ears began to discharge from that time, and have done so ever since. Deafness has gradually increased." It is scarcely necessary to pursue the case further. It is evident that claimant endeavoured wilfully to mislead the Commission as to the manner in which his injuries were sustained, and to make it appear that his disabilities are wholly due to maltreatment whilst a prisoner. His testimony is entirely discredited and I have no hesitation in disallowing his claim.

ERROL M. McDOUGALL,

OTTAWA, December 3, 1931.

Commissioner.

CASE 2108—JOHN FREDERICK WILKINS

Claimant was a private in the 4th Canadian Mounted Rifles—Regimental number 109680. He enlisted on the 7th of April, 1915, at the age of 22 years, and was taken prisoner June 2, 1916, suffering from gun shot wound in the left leg. He was repatriated to England on December 8, 1918, and is in receipt of a disability pension of 15 per cent, equivalent to \$23.00 per month, based on flat feet and callosities of feet. Claimant is married and has three children. Prior to enlistment, he was employed as a linesman with the Metropolitan Railway and the Ontario Hydro Commission, earning about 27 cents per hour. He is now employed by the Toronto Transportation Commission and earns 77 cents per hour.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. Beaten by the guards he sustained injury to his back. Sent to the coal mines he was compelled to work in wooden clogs, which injured his feet and has resulted in fallen arches. His hearing has been affected by lack of medical treatment and a condition of lumbago is said to result from exposure.

An analysis of the evidence reveals:—

Claimant received some hospitalization at Dulmen and has no complaints to make. Sent to a farm at Dortmund, he was beaten because a compass was

found in his possession. He attributes a weakened back to this beating. He served 21 days in cells for the same reason. Claimant was next sent to a coal mine where he remained for the duration of the war. He spent 12 months working underground and was then given lighter work, due to his weakened condition. He complains of being compelled to wear wooden clogs, which injured his feet. In the mines he was beaten and while suffering from "flu," during the epidemic, was made to continue working. He now complains chiefly of his back and feet.

The medical record indicates that claimant suffers from recurring lumbago and flat feet. His percentage of disability is stated at 20 per cent in his own calling and at 50 per cent in the general labour market. Dr. T. B. Edmundson, who certifies to the foregoing, appeared before the Commission and gave it as his opinion that the injury to claimant's back was of traumatic origin and could very well have been caused as related. He finds claimant suffering with very bad flat feet.

The medical evidence supports to a certain extent claimant's statement of disability. I see no reason to doubt his story that he was hit across the back as described and I think it is reasonable to infer that his present condition of disablement, results in part from such treatment. Claimant has made out a case of present disability, in part at least, resulting from maltreatment, I would, accordingly, recommend a payment to him of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 1, 1931.

Commissioner.

CASE 2109—ERNEST WEYMOUTH

The claimant was a Private in the 15th Battalion—Regimental number 27417. He enlisted in September, 1914. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from a bullet through his right side, and gas. He was repatriated to England in December, 1919, via Holland. He is not in receipt of pension, nor has he applied therefor. Claimant is married and has one child. Prior to enlistment, he was learning the trade of iron welding and, when he came to Canada, worked as a car cleaner for the Canadian Pacific Railway. He is now a pipe fitter in the Canadian National Railways, and earns seventy cents an hour, per eight-hour day.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had a bullet extracted from his side without anaesthetic, that he was confined to cells without sufficient food, was knocked unconscious with rifle butts and worked in a stone quarry for six months under conditions of great hardship. He was compelled to work in water. As a result of these experiences his nervous system is seriously affected.

An analysis of the evidence reveals:—

Claimant testifies that immediately after capture, the bullet was removed from his side without anaesthetic. He was in hospital for six months at Ohrdruf and complains of the lack of attention, without, however, indicating in what way he suffered personally. Released from hospital, he complains generally of the conditions in camp and alleges that, for raiding a wagon, he was knocked unconscious with the butt of a rifle. All through his testimony he speaks of constant beatings without particularizing these incidents. Thus, he says he was knocked down several times and beaten with a whip. He was sent to work on a farm at Gottingen where the treatment was not so bad. But yet on the slightest

suggestion he refers to being knocked down from blows of rifle butts. At Langen-Salga camp he suggests that a lady dentist, who was extracting a tooth, deliberately injected a fluid which caused pyorrhea to develop. This is a mere assumption on his part. The injection was probably a local anaesthetic. Sent to a stone quarry he again relates generally incidents of maltreatment. Claimant served more time at Cassel camp and at various farms, but does not complain particularly of any brutality. He does complain of being made to work in the water and suffered from exposure. His main complaint at the present time is that these experiences have impaired his memory and he attributes this to the blows he received on the head. His testimony on this feature of the case is as unconvincing as his recital of abuses.

The medical record indicates that the claimant suffers from dental caries and pyorrhea; that he is very susceptible to infection and suffers from impaired mentality. His percentage of disability is stated at 20 per cent in his own calling and 30 per cent in the general labour market. Dr. P. G. Brown, who certifies to the foregoing, has also furnished a letter relating to his treatment of claimant. While he expresses the general opinion that claimant's health has been impaired because of his experiences as a prisoner, there is nothing definite in this statement. Claimant's medical history files show nothing unusual. Claimant was discharged from the service, "All systems normal".

Claimant made a very unfavourable impression upon the Commission. His story lacked conviction and he was evidently endeavouring to enlarge upon the instances of brutality of which he speaks. I have no hesitation in reaching the conclusion that if claimant suffers a disability at the present time, his proper recourse is before the Board of Pension Commissioners and not before this Commission. In my opinion, claimant has failed to discharge the burden of showing that he now suffers disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 6, 1931.

Commissioner.

CASE 2110—WILLIAM STEPHEN WHYTE

The claimant was a Private in the 2nd Battalion—Regimental number 7916. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 31, 1918. He is not in receipt of pension, and states that his application was rejected. He was married February 25, 1918, and has four children living, one having died. Prior to enlistment, he was employed in an hotel in Winnipeg, earning \$45 per month with room and board, and since his discharge he has tried several positions as a labourer but has had to give them up owing to weakness in his back. He was out of employment at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of a chronic backache, due to solitary confinement and heating, and exposure to dampness, impaired hearing due to lack of medical treatment while in Germany. Had an infected ankle while a prisoner and has trouble with the leg still.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen camp, as to which he has no particular complaints. Sent to Dusseldorf, for refusing to work in the water driving poles, the prisoners were lined up before a firing squad. Returned to Giessen, claimant was sent to Celle-lager and thence to Ostenholzenmoor, where he was hit on the

head by a sentry for failing to turn out of his bunk quickly enough. He was knocked unconscious and attributes an ear condition from which he suffers to this blow. Claimant made several unsuccessful attempts to escape, was confined to cells, beaten, and tied to a fence by way of punishment. At Vehnemoor, claimant complains of the exposure and heavy work, rain or shine, in the irrigation canals. He also protests that he was made to wear wooden clogs, with consequent injury to his feet and was denied medical attention for an infection to his ankle. He now suffers from his back and hip, his ears and his ankle.

The medical record indicates that claimant suffers some impairment to his hearing and has chronic backache. His percentage of disability is stated at 10 per cent. Dr. Harold E. Baker, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files do not disclose any disability of service or prisoner origin, all systems being declared normal.

Claimant became a marked man because of his repeated attempts to escape, and received rough handling in consequence. While there is evidence that his treatment was harsh, I do not consider that claimant has established the remaining element to entitle him to an award, i.e., present disability resulting from maltreatment. His disability, if any, is slight, and is more properly a matter for consideration by the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDougall,

Commissioner.

OTTAWA, December 10, 1931.

CASE 2112—PERCY FRANCIS WHALE

Claimant was a Private in the 15th Battalion—Regimental number 27585. He enlisted in September, 1914, at the age of 19 years, and was taken prisoner April 24, 1915, suffering from wounds in the arm, hand, mouth and leg, with some gas. He was released to Switzerland at the end of 1917, and to England in January, 1918. He is in receipt of pension amounting to \$180.00 per annum. Claimant was married on March 23, 1924, and has no children. Prior to enlistment, claimant was employed as a clerk, earning \$10.00 per week. Since his discharge he has followed various occupations, and is now working for the Dominion Government in the Annuities Branch, on a commission basis.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he is incapacitated to the extent of 75 per cent, due to lack of proper medical attention to his wounds, general abuse and hardships.

An analysis of the evidence reveals:—

Claimant was seriously wounded when captured. He complains of the treatment received when taken—kicked in the wounded side by his captors. He declares also that he was left unprotected and received the wound in the mouth by shell fire after capture. He received no medical attention for 2½ days when he was given very brutal treatment by a nurse and an orderly. Claimant was taken by train to Oberhausen, and suffered greatly on the trip, but was operated upon and has no complaint. He remained in hospital for 8 or 9 months, and was then sent to Friedrichsfeld camp. He could scarcely open his jaws, from his wounds, and though unable to eat was put on regular camp fare. He did receive some dental attention, and appears to have been given a plate. In Switzerland he was further attended to in this respect. Claimant now complains of gastric ulcers, bronchitis, neurasthenia, and loss of weight.

The medical record is very complete. Dr. H. W. Cook certifies that claimant suffers from irregular heart exhaustion point low, bronchitis and gastric ulcer, with some deafness in right ear. He rates claimant's disability at 50 per cent in his

own calling and at 75 per cent in the general labour market. Dr. R. J. Spence finds claimant suffering from extreme nervousness, gastric ulcer and cardiac irregularity, with defective hearing and sight "Probably due to wound more than to enemy treatment during captivity." Dr. Spence speaks of the disability as great. Dr. C. H. Warriner finds neurasthenia, marked general debility, bronchitis, irregular action of the heart and gastric ulcers. He rates claimant's percentage of disability at from 50 per cent to 60 per cent. The defective vision and hearing, Dr. Warriner states cannot definitely be ascribed to enemy action. Claimant's medical history files contain a full statement of his condition. He receives pension for "gunshot wound right arm and jaw, chronic bronchitis and gastric ulcer, post discharge."

Claimant's present condition is in large measure due to service wounds received previous to capture, but I have reached the conclusion, after consideration of the record, that lack of attention and ill-treatment aggravated the condition and has probably left claimant with a greater degree of disability than he would otherwise have had. In these circumstances, claimant should have the benefit of the doubt. I would recommend a payment to him of \$500.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2113—THOMAS WARNER

The claimant was a Private in the 4th C.M.R.—Regimental number 113619. He enlisted January 22, 1915, at the age of 27 years. He was taken prisoner June 2, 1916, during the battle of Mount Sorrel, unwounded. He was repatriated to England December 14, 1918. He is not in receipt of pension and has not made application therefor. He is unmarried. Prior to enlistment, he was employed as a labourer, earning \$2.30 per day, and since his discharge has been labouring and doing anything he can find.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the usual treatment, heavy labour and starvation diet, and in particular of a blow behind the ear causing injury with denial of proper medical attention for the wound. He now suffers with severe headaches and is compelled to stop working when they occur.

An analysis of the evidence reveals:—

Apart from general food conditions, claimant complains of one incident only of maltreatment. While working at a factory in Westphalia, the prisoners refused to work on Christmas Day. Apparently a melee or riot ensued during the course of which claimant was struck in the neck, behind the ear, with a flying missile, which inflicted a deep gash. Not only did claimant receive no medical attention for this wound, but, as a punishment for the refusal to work, was made to stand facing the wall for almost the entire day, with his wound still bleeding. He complains of pains in the head and dizziness which incapacitates him from working and he attributes this condition to the blow and wound above referred to. He declares that this injury necessitated an operation upon his return to Canada. Claimant's medical history sheets also refer to a weakness in the back, said to have resulted from heavy lifting in Germany, but claimant is silent as to this disability in his testimony.

The medical record indicates that claimant bears a large protruding scar in the neck, which is also borne out by the medical history sheets. The doctor, whose certificate is filed, finds that claimant suffers no disability from this

wound. It appears also from the medical files of record, that, in statement made upon repatriation, claimant made no mention of the incident referred to, although he does refer to the occasion upon which the prisoners refused to work, and declares the punishment consisted in being made to stand in the snow for four hours.

In this state of the record it is difficult to say whether the injury complained of by claimant was incurred in the manner stated. At all events, claimant has failed to show that any disability has resulted from the injury in question. His own physician does not regard it as disabling. It is clear, therefore, for the reasons expressed in opinion annexed to the present report, that the claim cannot succeed. It is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2114—FREDERICK THEODORE WEBSTER

The claimant was a Sergeant in the 2nd Battalion,—Regimental number 8166. He enlisted in August, 1914, at the age of 22. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded, but slightly gassed. He was repatriated to England, from Holland, on November 18, 1918. He is not in receipt of disability pension, and states that he does not intend to apply therefor. He was married on September 2, 1919, and has two children. Prior to enlistment, he was employed as Instrument Man on a survey party, and since his discharge has been in the employ of certain firms as Surveyor and Engineer, then entered private practice, at engineering, for 3 years and is at present employed by the Ontario Government as a surveyor, at a salary of \$2,200.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that although an N.C.O. he was compelled to work, was forced to parade in wooden clogs for several hours daily with injury to his feet, sustained a fractured jaw when a tooth was extracted, and received no medical treatment. He states that as a result of this treatment, he contracted chronic bronchitis and that he is in a highly nervous condition.

An analysis of the evidence reveals:—

Claimant was attached to Giessen camp and commandos. For refusing to work in a stone quarry when he learned that N.C.O.'s were not expected to work, he, with others, was beaten, and, again, for attempting to escape, he received the same treatment and was also given solitary confinement, made to sit on a stool at attention for hours at a time. He complains that his jaw was broken during the extraction of a tooth, without anaesthetic, and that he received no medical attention. He was also punished upon two other occasions, when recaptured, after attempted escapes. Claimant's disability is purely nervous as a result of these experiences. He is unable to concentrate and cannot do continuous work. He suffers also from bronchitis. His statement as to beatings received is corroborated by a fellow prisoner.

The medical record consists of affidavits from two physicians. Dr. J. H. Alford certifies that claimant suffers from his nervous system, periodic attacks of depressive psychosis, with attempts of life. He rates claimant's percentage of disability at 50 per cent in his own calling and at 25 per cent in the general labour market. In further statement, Dr. Alford stresses the neurasthenic condition and speaks of claimant's teeth being in bad shape and also mentions bronchitis as a disablement. Dr. F. S. Lazenby finds an unstable nervous system

with periods of depression and inability to concentrate, gastro-intestinal disturbances and loss of teeth. He rates claimant's percentage of disability at 50 per cent. Neither doctor appeared before the Commission. Claimant's last medical board, upon discharge from the service, shows, "all systems normal."

In this state of the record it is difficult to say that claimant's present mental outlook and nervousness is due to maltreatment whilst a prisoner of war. I should be inclined to regard it as functional and, notwithstanding the greatest attention to his testimony, I do not think I am justified in finding that he has established the two essential elements to a favourable decision, i.e. present disability resulting from maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2115—CHARLES JACKSON WOLSTENHOLM

The claimant was a Private in the 3rd Battalion—Regimental number 9264. He enlisted in 1914 at the age of 20 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded. He was repatriated to England on the 21st December, 1918. He is not in receipt of disability pension, but has an application pending. He was married in April, 1923, and has two children. Prior to enlistment he was a timekeeper for the Massey Harris Co., at \$11.00 per week, and since his discharge was employed in the Toronto Brick Works for 4 years, then as a plasterer for one year, and for the last three years he has been a permanent Postal employee, at a salary of \$1,440.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that foot trouble was started by his being compelled to work in water, and that it was later aggravated by the wearing of wooden clogs.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at a number of camps, viz:—Giessen, Celle-lager, Vehnemoor, Lichtenhorst, Bohinte, Saltau and Osnabruck, the worst of which, he declares, was Bohinte. From working in the water, employed at straightening out a river, his feet became affected, and later, at Osnabruck, made to work in wooden clogs, the condition became aggravated, and he now suffers from extreme flat feet. His complaint is confined solely to this condition. He does not emphasize any brutal treatment at the hands of the guards, but says he suffers only from his feet. For 18 months, at Vehnemoor, he wore wooden clogs.

The medical record indicates that claimant suffers from flat feet. His percentage of disability is stated at 10 per cent. Dr. F. A. Carson, who certifies to the foregoing, did not appear before the Commission, and declares that the information furnished by him is taken from claimant's files. The medical files of record merely show that pension allowance is under consideration, for flat feet. Claimant's last medical board, upon discharge from the service, declared all systems normal.

I cannot say, from the record, that claimant has established a connexity between his condition of flat feet and maltreatment whilst a prisoner of war. It does not necessarily follow from his experiences, as related, that the condition complained of, must result. As to the use of wooden clogs, it is well known that Germany did not have, and could not obtain, boots for all its prisoners of war, and I do not consider that this deficiency can be classed as maltreatment. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2116—HARRY WINDSOR

Claimant was a Private in the First Queen's Own West Surrey—Regimental number 7641. While he served with the Imperials, claimant had become a resident of Canada in 1909 and returned at the outbreak of war to join his regiment. At the time of enlistment he was 29 years of age. He was captured October 31, 1914, slightly wounded in the arm. He was repatriated to England on December 22, 1918, and was in receipt of pension, amounting to \$14.00 a month, which he commuted for \$600.00 in 1920. He is married and has three children. Prior to enlistment, claimant was a plasterer, earning 50 cents an hour. He still follows the same occupation and, when working, earns about \$50.00 a week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of proper food and clothing, blow on the head resulting in partial deafness, injury to two fingers of the left hand and of being tied to a post as punishment.

An analysis of the evidence reveals:—

Claimant was first taken to Gustrow Camp, where he complains generally of exposure, and of being struck behind the ear by a guard, because someone had stolen a loaf of bread. It is this blow which has permanently injured claimant's ear. Claimant was sent to a number of different camps and was beaten, without provocation, for minor acts of disobedience. Finally he reached Parchin, where he remained for two years. Working in a sawmill, claimant engaged in a scuffle with other foreign prisoners and while fighting was thrown against a saw by the German sentry, injuring his hand. The treatment generally is described as rough. Claimant suffers from headaches and deafness and some rheumatism, with a deformed hand.

The medical record indicates that claimant has a deformed left hand, with limited movement and loss of power, and that he is almost completely deaf in the right ear. His percentage of disability is stated at 40 per cent. Dr. C. H. Brereton, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files refer only to the injury to his hand.

Claimant appears to be in good health. The injury to his ear, with deafness, is established and I think may be traced to the blow on the head of which he speaks. The injury to his hand is probably of accidental origin and cannot be regarded as the result of maltreatment. Viewing the case as a whole, I consider that claimant has made out a case of some disability resulting from maltreatment whilst a prisoner of war. I would recommend a payment to him of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, November 30, 1931.

CASE 2117—SAMUEL WALLWORK

The claimant was a Private with the 3rd Battalion—Regimental number 9266. He enlisted in August, 1914, at the age of 38 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering from gas. He was repatriated to England January 7, 1919. He is in receipt of a 100 per cent disability pension, amounting to \$100.00 per month, based on arterio renal disease. He was married at the time of enlistment and has one daughter. Prior to enlistment, he was employed as a salesman at \$25.00 per week, and since his discharge has been unable to do much of anything, owing to the state of his health.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of abuse, starvation, solitary confinement, bad food and water, which affected his teeth and gave him dysentery. He was compelled to work on the moors and was exposed to severe weather, was kicked and beaten when unable to work while ill.

An analysis of the evidence reveals:—

Claimant has filed a very detailed statement of his experiences during captivity in Germany, from which it appears that he visited a great number of prison camps—he lists them as follows: Giessen, Glenhausen, Soltau, Lichtenhorst, Langenmoor, Sudedeiwicht, Nider Nochtenhausen, Bokelah. A careful perusal of his statement indicates that his complaints have to do with poor food, hard labour, exposure, lack of medical attention and general rough treatment. He was beaten on several occasions and declares that he still bears the scar of a kick on the shin at Langemoor. It is unnecessary to summarize the detailed treatment received. The impression left after reading his statement is that any disabilities claimant may now suffer from are the result of general conditions and not to any particular maltreatment. There is evidence of some provocation by claimant, which may have earned him rougher treatment than he would otherwise have received.

The medical record indicates that claimant suffers from “high grade chronic interstitial nephritis and hypertension, together with impaired vision.” His percentage of disability is stated at 100 per cent. Dr. Henry C. Wales, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files note claimant's condition as due to poor food, privation and nervous strain as prisoner of war.

There is abundant detail in this case, but the proof of disability resulting from maltreatment is inferential only. As explained in Opinion annexed to the present report, I do not consider that impairment to health resulting only from general conditions of camp life is to be regarded as maltreatment. I regard this case as one falling within the scope of activity of the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2118—JAMES WILTON

The claimant was a private with the Imperial forces—15th Cheshires—Regimental number 243046. He declares that he was resident in Canada prior to the war, but was refused for service and went back to England, enlisting on March 17, 1915, with the Post Office Rifles, London, at the age of 22 years. He was taken prisoner March 24, 1918, suffering from a gunshot wound in the abdomen. He was repatriated to England at the end of January, 1919. He was in receipt of a pension, amounting to 8 shillings a week, which he commuted in 1924. Claimant is married and has five children. Prior to enlistment he was employed as a painter and on survey work earning from \$35.00 to \$60.00 a month, and since his discharge has been doing light work. He is now earning \$20.00 a week at gardening.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was struck on the head by a German officer and knocked down, worked in an iron factory for six weeks under conditions of general abuse, was struck with a scabbard and knocked unconscious.

An analysis of the evidence reveals:

Claimant's evidence as to his pre-war residence in Canada is not convincing. He was to produce a letter from the York Club, corroborating his statement that he was there employed before the war. This he has not done. As to his experi-

ences in Germany, it will be noted that he was a prisoner for about nine months, the first portion whereof was spent in hospital, and while he complains of inadequate medical attention, his recital of what occurred does not indicate that any incapacity has resulted therefrom. On the contrary, the treatment appears to have been moderately good. At this period of the war, moreover, it must be borne in mind, that facilities were not easily obtainable by the Germans. Sent to Alten Grabow, he was put on light work, complains that he was operated upon without anaesthetic, developed abscesses under the arms, for which he received no treatment, was struck in the jaw by a German Corporal, for not saluting him and was hit on the head with the butt of a rifle. As a result of these experiences, claimant complains of his head and stomach, with rheumatism and nerves.

The medical record indicates that claimant suffers from indigestion, chronic gastritis, headaches, flatulence and constipation. His percentage of disability is stated at 50 per cent in his own calling and at 60 per cent in the general labour market. Dr. C. E. Hill, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files contain nothing unusual, apart from some disability resulting from the wound received previous to capture.

Quite apart from claimant's failure to establish clearly a pre war residence in Canada, I am of opinion that he has failed to show that his nine month's stay in Germany caused him any permanent injury. His evidence was not convincing and the impression was left that his story lost nothing in the telling. On the whole, I am unable to find in claimant's favour. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 4, 1931. *Commissioner.*

CASE 2119—FRANK WOODCOCK (Deceased)

Claim is presented on behalf of the father of the above named soldier, who died April 17, 1919. He had been a Private in the 43rd Battalion—Regimental number 136541. He enlisted December 3, 1915, at the age of 29 years. He was taken prisoner October 8, 1916, on the Somme front, suffering from gunshot wounds in the right thigh, right arm and scrotum. He was repatriated to England June 15, 1918, returned to Canada in February, 1919. His sister, Mrs. Ethel Spencer, appeared to press the claim on behalf of her aged father. She states her brother was a rubber worker, but is unaware of his salary. Deceased was ill all the time after his return to Canada, until he died of heart and stomach trouble.

She alleges that while a prisoner her brother was subjected to maltreatment which resulted in injury to his health resulting in death. She states that his wounds were neglected, that he was operated upon without anaesthetic and that he was starved. He suffered from dysentery and arrived home in a dying condition.

This claim is put forward on the ground of dependency. As a civilian claimant for the death of his son, an enlisted man, claimant is without right under the relevant sections of the Treaty of Versailles. The claim for maltreatment, as I read these sections of the Treaty, is purely personnel to the victim. Counsel for claimant was advised of this view, at the hearing, and undertook to submit memorandum supporting the pretension that dependency entitled claimant to recover. This he had not done, and I adhere to my original opinion that no recovery can be had, in the circumstances, before this Commission. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 4, 1931. *Commissioner.*

CASE 2120—GEORGE WEST

The claimant was a Private in the 4th C.M.R.—Regimental number 405465. He enlisted August 17, 1915, at the age of 18 years. He was taken prisoner June 2, 1916, unwounded but slightly bruised and shaken up. He was repatriated to England January 2, 1919. He is not in receipt of pension and has not made application therefor. He was married in June 1923, and has two children. Prior to enlistment, he was attending school, and since his discharge has been employed as a clerk in the hardware business, earning about \$150.00 per month.

He alleges that while a prisoner he was subjected to maltreatment, which has resulted in pecuniary damage to him. He complains of being compelled to work for long hours in the salt mines, being kicked and beaten upon several occasions and had a shovel handle broken over his back by one of the guards. He now suffers from a skin disease as a result of long confinement in the mines, and has a nervous condition.

An analysis of the evidence reveals:—

Claimant was first sent to Stendal camp, after one week in hospital at Cologne. The only incident complained of is a blow with the butt of a rifle because he threw a pail of coffee on the ground. He was sent to a salt mine at Wolfasburg (sic) where he complains of being beaten over the back by a guard for some trouble with the salt trucks. No physical disability has resulted. He remained here for the duration of the war. While the work was hard and the treatment rough, claimant has not much to complain of, at any rate nothing which has disabled him. He confines his claim entirely to a skin affection which troubles him greatly and which he attributes inferentially to his treatment whilst a prisoner. He does not suffer from bronchial or stomach conditions, and declares that he is now in fair shape physically.

The medical record indicates that claimant suffers from chronic eczema of the hands and fingers, especially about the roots of the nails. His percentage of disability is stated at 25 per cent in his own calling and at 50 per cent in the general labour market. Dr. T. J. Johnston, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show nothing unusual, his final medical board, upon discharge from the service, declaring all systems to be normal.

Were it not for the fact that claimant spent so long a period in the salt mines, I do not think the record would justify a finding in his favour. The disability complained of is not great, but, as in the cases of other claimants from the salt mines, I am disposed to give claimant the benefit of the doubt, and to find that he has suffered some disability resulting from maltreatment whilst a prisoner of war. Viewing all the circumstances I would recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2121—ALEXANDER WILLIAM YETMAN

Claimant was a bugler in the 15th Battalion—Regimental number 27557. He enlisted in September, 1914, at the age of 28 years. He was taken prisoner on April 24, 1915, during the second battle of Ypres, unwounded but suffering from the affects of gas. He was released to Switzerland in 1917, and is in receipt of pension, amounting to \$28.75 a month, for tuberculosis of the lungs and bronchitis. He is married and has 3 children. Prior to enlistment, he was employed by the Dominion Express Company as a clerk, at a salary of from \$15 to \$18 per week. Claimant was unemployed at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of neglect and lack of medical treatment resulting in permanent chest and lung trouble.

An analysis of the evidence reveals:—

Claimant was a prisoner at Gottingen and Mannheim. He has no complaint of rough or abusive treatment, but says that when he reported sick with a bad cough, no attention was paid to him. He was not compelled to work, but played in the orchestra. Claimant confines his complaint to the statement that when taken prisoner he was strong and healthy, and when he was repatriated his health was ruined, through lack of medical attention.

The medical record indicates that claimant suffers from pulmonary tuberculosis. His percentage of disability is stated at 25 per cent. Dr. F. A. Carson, who certifies to the foregoing, did not appear before the Commission, and declares that his information is taken from claimant's military documents. These do show the condition spoken of.

It is clear, in this case, that claimant is without right before this Commission. No particular maltreatment has been shown and the connexity between his treatment as a prisoner and his present condition has not been established. The mere inference that he contracted tuberculosis from the conditions of life in Germany is insufficient to found an award. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 7, 1931.

CASE 2122—DAVID JOHN EVANS

The claimant was a Private in the 2nd Battalion, Welsh Regiment (Imperial)—Regimental number 1828. He enlisted on August 6, 1914, was taken prisoner on October 31, 1914, and repatriated to England at the end of November, 1918. He came to Canada to reside May 23, 1929.

He alleges maltreatment while a prisoner of war, resulting in injury to his hand and head, at Gustrow and Schneidemuhl camps. He receives no pension. Claimant appeared before the Commission at Toronto April 15, 1931, and was advised, during the course of the hearing that, as an Imperial, his case could not receive consideration, and that his claim, if any, lay with the Imperial authorities.

As pointed out above, I do not consider that this Commission has jurisdiction to entertain this claim. The date constitutive of jurisdiction, in civilian cases, has been fixed as January 10, 1920, date of the ratification of the Treaty of Versailles. I would propose to adopt the same principle in dealing with cases of alleged maltreatment whilst a prisoner of war. Reserving to claimant all other resources, and, without deciding the case upon its merits, I must, therefore, disallow the claim in so far as this Commission is concerned.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 2123—ROBERT HENRY ROCK

The claimant was a Private in the 7th Battalion—Regimental number 21248. He enlisted September 23, 1914, at the age of 45 years, although from his attestation paper he would appear to have been 40. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound in the abdomen. He was repatriated to England November 18, 1918. He is not now in receipt of pension, having commuted it November 5, 1919. This pension was based on debility due to insufficient nourishment while a prisoner of war. He is unmarried. Prior to enlistment, he was employed as a club steward at \$150 per month and board, and since his discharge has resumed this employment, earning \$125 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of improper medical treatment, poor and inadequate food, exposure and general abuse.

An analysis of the evidence reveals:—

Claimant received treatment for his wounds at Paderborn Hospital where he remained for a period of six months. He complains that he was not properly treated but no particulars are furnished to permit of reaching a conclusion on this ground of claim. Not completely recovered, he was sent to Senne-lager and then to a camp near Essen, where he was called upon, with other prisoners, to work upon munitions. This they refused to do and were roughly handled, their Red Cross parcels denied them, and inadequate and poor rations served. Claimant was given solitary confinement and was made to stand at attention for long hours. The basis of his complaint is that he was made to work when he was unfit to do so. He complains of no particular acts of brutality and ascribes his condition of general debility and breakdown to his experiences whilst a prisoner of war.

The medical record indicates that claimant suffers from general debility and defective vision. His percentage of disability is stated at 100 per cent in his own calling and at 60 per cent in the general labour market. Dr. C. M. McDiarmid, who certifies to the foregoing, did not appear before the Commission. The medical history files show that claimant suffers from "debility due to insufficient nourishment while a prisoner of war in Germany". The condition is apparently quite general and may in part be put down to claimant's age and possible lowered power of resistance to the conditions of German camp life.

Having regard to the observations contained in Opinion annexed to the present report, I do not consider that lack of food whilst a prisoner of war, unless deliberately imposed upon a prisoner, is to be regarded as maltreatment. Claimant apparently received the same treatment, in this respect, as other prisoners. In these circumstances claimant has failed to make out a case and his claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2124—HENRY BERTRAM ARNOLD

The claimant was a Private in the 4th C.M.R.,—Regimental number 109203. He enlisted in September, 1914, at the age of 32 years. He was taken prisoner June 2, 1916, unwounded. He escaped May 6, 1918, spent 6 weeks in Holland, and was repatriated to England June 11, 1918. At one time he received a small pension, amounting to \$7.50 per month, but this was commuted. He states that he applied for reinstatement. He was married in 1920 and has 4 children. Prior to enlistment, he was employed as a carpenter, earning 45 cents

per hour, and since his discharge has resumed his former trade, and earned about \$100.00 per month until about a year ago, when he engaged in farming.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was compelled to work under conditions of exposure to cold and heat which brought on pneumonia, for which he received no proper medical attention. As a result, he now suffers from chronic bronchitis, with a possibility of tuberculosis.

An analysis of the evidence reveals:—

Apart from poor food at Dulmen camp, claimant has no complaints as to his stay there of 7 weeks. At Munster he was beaten for not working as required. Placed in cells for 7 days he complains of the intense cold and lack of food. He caught cold and attributes his impaired chest condition to this punishment. On another occasion he declares that he was successively exposed to the intense heat of the blast furnaces and then sent out into the cold, when wet with perspiration, and contracted pneumonia as a result. In hospital, he complains of lack of treatment, which neglect is a factor in his present disability. For two unsuccessful attempts to escape, he was beaten and put in cells, became a marked man and was subjected to almost daily abuse. He now complains chiefly of his chest condition, with some nervous disturbance and an injury to his hip.

The medical record indicates that claimant suffers from chronic bronchitis, with some suggestion of pulmonary trouble. His percentage of disability is stated at 50 per cent. Dr. G. W. O. Dowsley, who certifies to the foregoing, appeared before the Commission. He had seen claimant for the first time about 2 months before the hearing. The chronic bronchial condition is quite definite, but Dr. Dowsley could not confirm the injury to claimant's hip, complained of. He does not consider claimant as seriously disabled and agrees that the bronchial condition may possibly have resulted from the effect of gas from which claimant was suffering when captured.

Claimant made a very comprehensive statement upon repatriation. The charges of maltreatment in this statement are much milder than those now advanced by him. While there is no serious discrepancy between the two statements, the general tenor of the earlier statement casts some doubt upon his later story. Viewing the case as a whole, I do not think I can ascribe claimant's present condition of health to maltreatment whilst a prisoner of war. His recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2125—CHARLES EDWIN C. LONGSTAFF

The claimant was a Private in the 15th Battalion—Regimental number 27635. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas and a gunshot wound in the right leg. He was repatriated to England November 18, 1918, having first been released to Holland. He had been in receipt of a 10 per cent disability pension, based on the injury to his leg, but this he commuted in March, 1921. Has applied for reinstatement. He was married in January, 1915, and has no children. Prior to enlistment, he was employed as a painter and paperhanger, at a wage of 35 cents per hour for an 8 hour day, and since his discharge, he took a vocational course in watch-making, but could not earn enough at that employment, so resumed his old trade, at the rate of from 85 to 90 cents per hour. He was unemployed at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of several beatings, a blow in the face which loosened his teeth, long hours standing to attention in the cold and snow, insufficiently clothed, contracted typhus, and now suffers from extreme nervous trouble, lack of ability to concentrate or do any steady work. Has bad stomach disorders and suffers with chronic bronchitis.

An analysis of the evidence reveals:—

Claimant was in hospital at Magdeburg for 16 weeks following his capture. Apart from rather rough treatment, he has no complaint to offer and was satisfied with the medical treatment. He was then sent to Altengrabow camp, where he remained for over two years. Here he was beaten with horsewhips for refusing to work in the latrines, made to stand in the snow and ice for long periods because he did not work fast enough, was hit in the mouth by a German sergeant for no apparent reason, and had his teeth loosened. On a working party at Merseberg, he was struck by an officer with the flat of his sword for refusing to work, and at Wittenberg he received a thrashing with rubber hose for some minor offence. The Commandant at Altengrabow, nicknamed "the Tiger," was particularly brutal and took a joy in abusing the prisoners. Claimant contracted typhus and received no medical treatment. His complaints as to disability are quite general, chiefly relating to the condition of his nerves.

The medical record is not very complete. Dr. A. C. Norwich appeared before the Commission, but apart from declaring that claimant had been pensioned for nephritis and wound in the heel, was unable to find claimant suffering from any particular disability. He speaks of tonsillitis and astigmatism as being all he can find at the present time. Claimant's medical history files refer only to the wound in the heel which gives claimant some difficulty in walking. Otherwise he is shown to be in good condition.

While the medical evidence is not strong in support of claimant's plea of disability resulting from maltreatment, I have reached the conclusion, from a consideration of the evidence, that claimant was subjected to maltreatment which has resulted in some disability. I would, accordingly, recommend a payment to him of \$500.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDUGALL,

OTTAWA, December 6, 1931.

Commissioner.

CASE 2126—WILFRED HAND

The claimant was a Gunner with the Trench Mortar Battery—Regimental number 85725. He enlisted in October, 1914. He was taken prisoner June 2, 1916, unwounded but suffering from gas. He had been blown up. He was repatriated to England in November, 1918. He is in receipt of pension, amounting to \$26.00 per month, now increased by 10 per cent, based upon nervous condition. He was married in 1922 and has two children. Prior to enlistment, he was employed as a salesman, at a salary of \$22.00 per week, and since his discharge resumed this occupation, earning an average of \$45.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of cruel and improper dental treatment and beatings for refusing to do extra work. Was compelled to work in an iron foundry, attempted to escape and got the usual solitary confinement. He now suffers from extreme nervous trouble and mental preoccupation.

An analysis of the evidence shows:—

Claimant was first taken to Dulmen camp where his complaint is limited to rough and brutal dental treatment in the extraction of teeth. Apparently no

disability has resulted. At Geseke (sic) in Westphalia, claimant complains of the conditions under which he was compelled to work in a cement factory, and punishment, in the way of exposure to the weather. He has no complaint as to Celle-lager and was then sent to Opaladen (sic). He was knocked about and singled out for ill-treatment in the iron foundry. For an attempted escape, claimant received a thrashing, sustained a temporary injury to his thumb and was sent to Friederichsfeld and attached farms. Here he was not abused, and wound up in a paper mill, where he complains chiefly of the living conditions. Claimant suffers with his nerves.

There is no medical evidence of record. The Provincial Parole officer, under whose care claimant now is, appeared before the Commission and spoke generally about his nervous condition. Claimant's medical history files have not been produced.

In this state of the record it is obviously impossible to find in claimant's favour. His case, if disability should be established, is one purely for the Board of Pension Commissioners. The recital of his experiences in Germany is usual and he has failed to show any particular maltreatment which would account for the indefinite condition of health of which he now speaks. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 8, 1931.

CASE 2127—THOMAS LANGSTON

The claimant was a Private in the 7th Battalion—Regimental number 16443. He enlisted in August, 1914, at the age of 33 years. He was taken prisoner April 24, 1915, during the gas attack at St. Julien, suffering from gunshot wounds in the left thigh and left arm, and the right and left sides of the back. He was repatriated to England January 8, 1919. He is in receipt of a 20 per cent disability pension of \$28.00 per month, based on chronic nephritis. His eligibility for a pension for neuritis is under consideration. Prior to enlistment, he was employed as a fireman and labourer, earning \$90.00 per month, and since his discharge he has been engaged in farming.

He alleges that while held prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of three specific acts of brutality as follows:—

Was put to work in a coal mine and two German civilians kicked him in the small of the back. He was laid up for over a week.

In another mine, being sick he was unable to work and lay down in the shaft. An under officer flogged him with a three cornered bayonet while the mine engineer stood by with a revolver full cock. The blows cut through the coat and his back was black and blue for weeks.

At Stendal camp the medical officer gave him 3 days' release from work, but the guards refused to recognize it and beat him with the butts of rifles.

He also complains that at Roulers in Belgium a watch valued at \$23, and English money to the equivalent of \$51 was taken from him.

An analysis of the evidence reveals:—

The three incidents of maltreatment above referred to, and contained in statement of claim, are established by claimant's testimony. Apart from these incidents, claimant was placed in solitary confinement several times, and also complains of being inoculated nine times, which, he declares, was given as a punishment for attempting to escape.

The medical record indicates that claimant suffers from nephritis, debility, neuritis and wasting of the left shoulder. His percentage of disability is stated at 50 per cent. Dr. F. D. Sinclair, who furnished the certificate, did not appear before the Commission, but the claimant's pension record would appear to confirm the statement as to claimant's ailments—nephritis and neuritis.

Quite apart from the condition in regard to which claimant is in receipt of pension, I consider that the evidence supports a finding that claimant was subjected to maltreatment while a prisoner of war which has resulted in permanent disability to him. Having regard to the general observations contained in Opinion annexed to the present report, I would recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 2129—JAMES McCABE

The claimant was a Corporal in the 7th Battalion—Regimental number 16497. He enlisted September 22, 1914, at the age of 26 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England November 18, 1918. He is not in receipt of pension. He was married August 15, 1923, and has two children. Prior to enlistment, he was a seaman, and since his discharge has had practically no work.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was repeatedly beaten and confined for refusing to work and suffered from exposure and confinement.

An analysis of the evidence reveals:—

Claimant's complaints are very general and stated in a confused manner. Taken to Giessen, he was apparently sent out to the Geisweid iron mines. For refusing to work, he was confined in a cell-like box over night with a steam pipe running through it, and, apparently passed a very uncomfortable night. He alleges that he was beaten into unconsciousness but furnishes no particulars. Removed to Butsbach, he served 3 months solitary confinement and was then sent to Cologne, where he underwent further imprisonment, for what reason, is not clear. For attempting to assist a fellow prisoner who was being beaten, claimant himself received a beating.

The medical record indicates that claimant suffers from haemorrhoids, chronic rheumatism, lowered blood pressure and neurasthenia. His percentage of disability in the general labour market is rated at 50 per cent. Dr. F. W. Lees, who certifies to the foregoing, did not appear before the Commission. The medical history files, upon discharge, do not show anything out of the ordinary in claimant's condition. He is declared to be in good physical condition and to be suffering from no disability.

Clearly this is a case in which claimant has failed to establish maltreatment whilst a prisoner of war resulting in disability to him. The mere fact of captivity with rough treatment is not sufficient to found a claim. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2130—ALEXANDER WILLIAM MacLEOD

The claimant was a Private in the 15th Battalion—Regimental number 46511. He enlisted September 4, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but suffering from gas. He was repatriated to England December 22, 1918. He is in receipt of a pension of \$37.50 per month, based on chronic bronchitis. He was married September 3, 1923, and has four children. Prior to enlistment, he was employed as a boiler-maker's helper at \$2.50 per day, and since his discharge has held several positions. At the time of the hearing he was farming, no income stated.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that as a result of having to work in the salt mines, at hard labour, underfed and beaten, he contracted a bronchial condition which has depreciated his earning power.

An analysis of the evidence reveals:—

Claimant was taken to Gottingen camp and then found his way to the notorious salt mines at Beienrode, where he remained for the period of his captivity. He is very frank in declaring that prisoners were not badly treated when they conformed to the rules and did the work assigned to them. He was more fortunate than many other prisoners in this mine and escaped much of the brutal treatment accorded to others. On one occasion, in a melee, after an attempted escape, he was hit in the mouth with the butt of a rifle and had two teeth knocked out. The prisoners were frequently beaten with bayonets but he appears to have been able to avoid any particular maltreatment. He complains chiefly that the conditions in the salt mines have weakened his lungs and chest and he is now unable to do any continuous work, for which condition he is in receipt of a pension as above noted.

The medical record indicates that claimant is affected by a "severe bronchial condition which disables him and interferes with any occupation he may pursue". He is also said to be suffering from chronic rheumatism and his percentage of disability is declared at 25 per cent. His condition will probably become aggravated in time.

In these circumstances, having regard to the pension which claimant is receiving and to the general observations contained in Opinion annexed to the present report, I was at first inclined to regard the case as fully dealt with on pension, but upon further consideration, bearing in mind the fact that claimant underwent the rigours of the salt mines for a long period, I have reached the conclusion that he is entitled to an award in addition to the pension received, on the ground of maltreatment whilst a prisoner of war. I would, accordingly, recommend payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 2, 1931.

Commissioner.

CASE 2131—WILLIAM SULLIVAN

The claimant was a Private in the 46th Battalion—Regimental number 782451. He enlisted June 2, 1916, at the age of 34 years, although his attestation paper would indicate that he was 31. He was taken prisoner October 26, 1917, suffering from a scalp wound. He was repatriated to England December 2, 1918. He is not in receipt of pension, nor has he applied therefor. He is not married. Prior to enlistment, he was farming for himself, at an estimated income of \$4,000.00 per annum and since his discharge he tried to resume this occupation but was compelled to hire extra help due to his condition, which has reduced his earning capacity.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of persistent cruelty and bullying. He was injured accidentally on two occasions, was denied medical attention and compelled to continue working. He complains of severe stomach disorders due to the poor food.

An analysis of the evidence reveals:—

Claimant was the victim of two accidents whilst working as a prisoner of war in Germany. In both instances he attributes these accidents to the carelessness of his guards, but does not go the length of saying they were intentionally caused. On the first occasion, at Chateau du Roi, while loading cement blocks, the 3rd finger of his left hand was smashed. He complains that he received no adequate medical attention for this wound, but it appears that the finger was bandaged. He now has a deformed finger. Later while loading steel, a truck fell back upon him injuring his ankle, from which he still suffers. He also complains that rheumatism has resulted from the damp condition of his sleeping quarters and that he is still crippled as a result. He speaks of being knocked about, but does not attribute any disability to this treatment.

The medical record indicates that claimant suffers from "deformed third finger; defective left ankle joint; constant headaches and dizziness, following myalgia, back, shoulders and eyes," attributed to cruelty while at work as a prisoner in Germany. His percentage of disability is stated at 50 per cent in his own calling and at 75 per cent in the general labour market. His hearing is also said to be defective. Dr. Colin McDiarmid, who certifies to the foregoing, did not appear before the Commission. Claimant's medical board, upon discharge from the army, declares him fit, without disability.

It will be observed that the injuries of which claimant complains were accidental in origin and I do not consider that, in their subsequent treatment, claimant has successfully made out a case of maltreatment whilst a prisoner of war. As to the rheumatism of which he complains, there is no medical evidence whatever. In these circumstances, I am of opinion that claimant has not proved his case. Claimant's recourse, if any, is elsewhere. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2132—GAY S. JOHNSON

The claimant was a Private in the 44th Battalion—Regimental number 234715. He enlisted on April 12, 1916, at the age of 25 years. He was taken prisoner August 23, 1917, at Lens, unwounded. He was repatriated to England December 7, 1918. He is not in receipt of a disability pension, and has not applied therefor. He was married on May 8, 1925, and has three children. Prior to enlistment, he was a carpenter earning \$6.00 per day. Since his discharge he has worked on and off at his trade, but was unemployed at the time of the hearing.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of fallen arches, caused by being compelled to work in wooden shoes, and of being forced to work whilst suffering from an injured knee.

An analysis of the evidence reveals:—

Claimant passed through Douai and Dulmen, and, apart from food conditions, which were bad, he has no complaint of maltreatment. Sent to a mine near Essen, (Victoria Metias (sic)) he was compelled to work in wooden clogs which injured his feet, causing him intense pain at the time and leaving a dis-

ability. He also complains that having injured his knee in an accident, he was compelled to continue work, without medical attention, and still, feels the effect of this injury.

The medical record indicates that claimant suffers from a thickening of prepatellar bursa (sic) with formation of fluid when irritated by kneeling, has fallen arches in both feet. His percentage of disability is stated at 10 per cent. Dr. A. S. Simpson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical board, upon discharge from the service, declares all systems normal. It appears that prior to enlistment he suffered from flat feet and wore arch supports. The suggestion is conveyed that this condition became aggravated by the use of wooden clogs whilst a prisoner of war, but that this condition will disappear with wearing of arch supports.

The material upon which claimant bases his claim for reparation is very meagre, both as to the fact of maltreatment and as to resultant disability. I do not think it necessarily follows that the wearing of wooden shoes would destroy the arches in claimant's feet, and at all events it has not been shown that the Germans had any other footwear to give claimant. The injury to claimant's knee has not been substantiated. In this state of the record, I cannot find that claimant has made out a case of maltreatment whilst a prisoner of war, with resultant disability. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2133—MINARD GERALD HILL

The claimant was a Private with the 29th Battalion—Regimental number 76101. He enlisted November 9, 1914, at the age of 21 years. He was taken prisoner April 19, 1916, at Ypres, suffering with a gunshot wound in the left heel and had his back dislocated. He was repatriated to England December 26, 1918. He is not in receipt of pension. Prior to enlistment, he was an articulated apprentice Land Surveyor and Civil Engineer, at \$125.00 per month, and since his discharge has been engaged in general contracting and jobbing, income unstated.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of injuries to his back and head while with a reprisal company on the Russian front east of Riga.

An analysis of the evidence reveals:—

Claimant's story of maltreatment, centres around the experiences he underwent when sent to Libau, on the Russian front, with a reprisal company. He has no complaints to offer as to his treatment in Germany proper. At the time of his capture his back was injured, but the effects of this injury had completely disappeared before he was sent to Libau, where he remained from January, 1917, to July, 1917. The story he tells of his treatment in Russia is very harrowing and is corroborated in great measure by a fellow prisoner, (Ogilvy case 2134). Cruelly beaten, because he was unable to bear the weight of a log which he was carrying along with Ogilvie, his back was again injured. He was also made to work after his hands had been frozen. It was explained to these prisoners that they were deliberately being subjected to harsh treatment as a reprisal for reported treatment of German prisoners by the British. It is also asserted that the Canadians in the party were singled out for particularly severe handling, being regarded as mercenaries, etc. It is hardly necessary to describe in detail the treatment received, and, were it not for the corroboration furnished,

the recital would be scarcely credible. Claimant confines his claim to disability resulting from injuries to his back and head sustained on the occasion in question.

The medical record indicates that claimant suffers from pain and weakness in the back and legs, said to be due to injury. His percentage of disability is stated at 25 per cent in his own calling and at 50 per cent in the general labour market. In addition to the affidavit of Dr. McKechnie furnishing the foregoing information, there has been filed certificate of Dr. N. E. MacDougall, to the effect that claimant has sinus and antrum trouble which disables him. The medical history files contain a summary of the treatment received by claimant and Ogilvie, as related by claimant, which substantially bears out the evidence adduced. Claimant's medical history files show that claimant has a nasal obstruction, with deflected septum, and the posterior ends of the inferior turbinates are enlarged.

I have been surprised in this case that claimant was not more seriously disabled than he declares. That he was able to withstand the treatment he received without greater ill effects testifies to his original robustness and good health. In my opinion a clear case of maltreatment whilst a prisoner of war has been made out and disability resulting therefrom has been established. Viewing all the circumstances, I would recommend a payment to claimant of \$1,200.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 2134—PERCY WINFIELD OGILVY

The claimant was a Private in the 29th Battalion—Regimental number 76077. He enlisted November 11, 1914, at the age of 16 years. He was taken prisoner April 19, 1916, at St. Eloi, suffering from shrapnel wound in the upper right thigh and a bullet wound through the right arm. He was repatriated to England December 15, 1918. He is in receipt of pension, amounting to \$11.25 per month, based on a heart disability. Prior to enlistment, he was a High School student, and since his discharge has held various positions as a salesman, averaging about \$1,500.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being sent with a reprisal party to the Russian front near Riga, where the treatment was brutal and cruel.

An analysis of the evidence reveals:

This claim may be regarded as a companion case to that of M. G. Hill—Case 2133. Claimant and Hill were sent to the Russian front, with a reprisal party, and received particularly violent and brutal treatment, being singled out, as Canadians, for the harshest treatment. Claimant was beaten into unconsciousness while attempting to carry a log with Hill and was left lying at the side of the road in the snow until fellow prisoners ventured to bring him in. Notwithstanding his weakened condition, he was compelled to work and received further severe beatings. No medical attention was given him until he was quite obviously unable to do anything more. The summary of his complaints above indicated, are corroborated by the testimony of Hill in his own case, and it is unnecessary further to dilate upon the cruelty and inhumanity of the treatment meted out by way of reprisal at this camp.

The medical record indicates that claimant suffers from defective vision. Dr. J. B. Anthony, who furnishes a certificate to this effect, did not appear before the Commission. Claimant's pension files show that he suffers from disordered action of the heart, for which he is in receipt of pension.

Claimant suffered particularly harsh treatment at the hands of his captors and it is not surprising that he has come out of it with a very definite heart condition. It would be difficult to credit his story of brutality, were the incidents not so clearly corroborated by the evidence of Hill. I am satisfied that claimant has substantiated his claim for disability resulting from maltreatment whilst a prisoner of war. Viewing all the circumstances, I would, accordingly, recommend a payment to claimant of \$1,200, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, November 30, 1931.

Commissioner.

CASE 2135—JAMES NOON

The claimant was an Imperial soldier, a Private in the Royal Dublin Fusiliers—Regimental number 7396. He was a Reservist who went to France in August, 1914, at the age of 18 years. He came to Canada to reside June 28, 1929. He was taken prisoner August 27, 1914, unwounded. He was repatriated to England in December, 1919, having been held prisoner for 4 years and 123 days. He was in receipt of a 20 per cent Imperial pension, amounting to ten pence per day, based on nervous disorder. This has now been cancelled. He is unmarried. Prior to enlistment he was employed as a grocery clerk, and since his discharge he was farming in Canada and, at the time of the hearing, was employed as a stable groom, at \$25 per month and board.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general bad treatment, was court-martialled, suffered close confinement, bad food, was beaten and kicked and suffers from impaired stomach, headaches, rheumatism and general debility as a result of his treatment.

Claimant was advised, during the course of the hearing, that this Commission could not entertain his claim, because he had been an Imperial soldier and only came to Canada to reside in 1929. For reasons which have been explained in my report, dealing with civilian claims, the date constitutive of jurisdiction is January 10, 1920, when the Treaty of Versailles was ratified. I see no reason to apply a different principle to claimants who have been prisoners of war. Under full reserve of claimant's recourses, and without dealing with the merits of his case, I must disallow the claim before this Commission.

ERROL M. McDOUGALL,

OTTAWA, December 4, 1931.

Commissioner.

CASE 2136—A. G. WOODASON

The claimant was an Imperial soldier who came to Canada to reside in May 1921. He was a Gunner with the 110th Company Machine Gun Corps—Regimental number 108321. He enlisted at the age of 18 years and was taken prisoner March 22, 1918, wounded previous to capture, with a gunshot wound through the muscle on the left arm. He was repatriated to England in January, 1919. He is not in receipt of pension. He was married September 4, 1928, and has one child.

He complains that his wound was not treated while he was a prisoner, and a bandage which he placed on it himself was ripped off by a guard, causing it to bleed profusely. He was also compelled to work while suffering from influenza. He now has the use of his arm but it still throbs and is painful at

times. He also suffers with general weakness and headaches. He appeared before me at Toronto, April 13, 1931, and upon hearing from him the date of his arrival in Canada, several years after the close of the war, I advised him that he was without right before this Commission.

Upon further consideration, this now is confirmed, I do not consider that this Commission has jurisdiction to entertain the claim. The date constitutive of jurisdiction, in civilian cases, has been fixed as January 10, 1920, date of the ratification of the Treaty of Versailles. As explained in my report, I would propose to adopt the same principle in cases of alleged maltreatment whilst a prisoner of war. Reserving to claimant all other recourses and without deciding the case upon its merits, I must, therefore, disallow the claim, in so far as this Commission is concerned.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 2137—DURBAN KIRBY WAITE

The claimant was a Private in the 24th Battalion—Regimental number 66006. He enlisted November 4, 1914, at the age of 33 years. He was taken prisoner June 2, 1916, unwounded, but suffering from gas. He was repatriated to England January 8, 1919. He is in receipt of a 10 per cent disability pension amounting to \$14 per month for himself and family, based on chronic bronchitis, mental deficiency and neurosis. He was married at the time of enlistment and has four children. Prior to enlistment he was employed as a checker in a foundry, earning \$1.50 per day, and since his return to Canada, has spent most of his time in hospital.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of receiving a blow between the shoulder blades with a rifle butt. Was struck with a stick on the left wrist and elbow while doing farm work. Has suffered from bronchitis, weakness in the wrist and arm where struck, and nervous disorders.

An analysis of the evidence reveals:

Claimant was first taken to Dulmen camp and was sent to work in the coal mines. His story is not very coherent but it would appear that he was struck and beaten, with some injury to his shoulders for which he received treatment. Later, he was at Muenster and then sent to a farm where his left arm was injured accidentally. He speaks of another assault upon him at a farm in East Prussia, when he was struck with a loaded stick on the wrist, causing injury from which he still suffers. This incident was also related by claimant upon repatriation, statement being contained in his medical files. The two statements are substantially similar. He is very confused as to later occurrences, but complains of being beaten for not working and upon recapture after an unsuccessful attempt to escape. Claimant is now undergoing treatment at St. Anne's Military Hospital for nervous condition.

The medical record indicates that claimant's symptoms are all subjective, though some weakness in left hand and arm is shown. Dr. Angrove, assistant chief medical officer at St. Anne's hospital, who furnishes the foregoing information, did not appear before the Commission. Claimant's medical files show that he suffers from bronchitis and neurosis and is mentally deficient.

Claimant's testimony was unsatisfactory and the evidence of actual physical disability resulting from maltreatment is very slight, but I have gained the impression that claimant was subjected to maltreatment, the results whereof

have left some permanent injury. His story coincides closely with the statement made by him upon repatriation, and I am inclined to give him the benefit of any doubt there may be. I would, accordingly, recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from the 10th of January, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 1, 1931.

Commissioner.

CASE 2138—HARRY STEWART LEWIS

The above named was a 2nd Lieutenant attached to the Royal Air Force, formerly R.C.H.A., Regimental number 5956. He enlisted in August, 1914, at the age of 21 years. He was shot down while flying behind the German lines, the exact date unknown, but probably about April 6, 1918. When taken prisoner he had gunshot wounds in the legs and burns on the hands and face. He died while a prisoner, and the claim is now made by his mother, Margaret Annie Lewis, who was partially dependent upon him for support. From a letter, filed as an exhibit, it appears that Lewis only lived about 4 days after capture, and the writer of the letter gives it as his opinion that had the deceased come down behind the British lines he would have lived. It is inferred that the Germans did not give him the proper care and attention. The German doctor stated that pneumonia was the cause of death, but it is claimed that he died of neglect. Prior to enlistment, he had been employed as a clerk in a hardware store, earning \$75 per month.

The mother now claims damages for the loss of the life of her son, upon whom she was partially dependent, alleging that he died because of neglect and lack of care while lying wounded as a prisoner in the hands of the enemy.

Unfortunately this is not a claim in which I can assume jurisdiction. Claimant's son lost his life through wounds incurred on service and there is no evidence of maltreatment whilst a prisoner of war. The Treaty of Versailles—reparations provisions—does not cover a claim on behalf of a dependent mother in such circumstances. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 4, 1931.

CASE 2139—GEORGE POUND

Claimant was a Private in the 3rd Battalion—Regimental number 9706. He enlisted in August, 1914, at the age of 42 years, although upon enlistment he gave his age as 37. He was taken prisoner April 24th, 1915, during the Second Battle of Ypres, unwounded. He was repatriated to England January 1, 1919. He was in receipt of a pension of \$13 per month, based upon haemorrhoids, but this was discontinued, in 1921. He now has an application pending for reinstatement. Prior to enlistment, he was employed as a bricklayer, earning \$25 per week and after his discharge he resumed his trade, earning from \$8 to \$15 per day but has been unable to work for the past three years owing to the state of his health.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work while ill and of being beaten over the back and ribs, resulting in a fractured rib; that he was compelled to work in the salt mines for 22 months. He now suffers from nervous debility and mental disorder.

An analysis of the evidence reveals:

Claimant was a man of 43 years when taken prisoner. He spent the first nine months at Giessen camp. For refusing to work, he was threatened with being shot, but otherwise was not maltreated. Sent to work on the moors, he was beaten by the guards, because he was unable to keep up with the work of carrying sods, being ill. This incident is corroborated by the evidence of a fellow prisoner who declares the beating was stopped by the intervention of a German doctor. Claimant was about six weeks in hospital as a result and contends that he sustained a fractured rib on the occasion in question. He was then sent to work in salt mines (unnamed) where he spent 22 months. The treatment was very bad, he was beaten for refusing to work on Sunday. Claimant complains chiefly of his nerves, sore back and a catarrhal condition which he ascribes to his work in the salt mines.

The medical record indicates that claimant suffers from dizziness and is highly nervous, which conditions are growing worse. His percentage of disability is stated at 100 per cent in his own calling and at 75 per cent in the general labour market. Dr. V. Edmonds, who certifies to the foregoing, did not appear before the Commission. In claimant's medical file is contained a statement made by him upon repatriation which is substantially in accord with his testimony. Apart from haemorrhoids, for which he was in receipt of pension, there is nothing unusual on his file.

It must be borne in mind that claimant is no longer young and that advancing years will bring no alleviation to his condition. The record tends to show some mental unbalance in claimant, particularly as to his domestic relations, but this is not ascribed to his war experiences. Viewing the case as a whole and having regard to the time spent by claimant in the salt mines, I consider that he has made out a case of some disability resulting from maltreatment whilst a prisoner of war. I would, accordingly, recommend a payment to him of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 2140—SAMUEL CHARLES McCONAGHY, M.M.

The claimant was a Gunner with the 1st Canadian Division Ammunition Column—Regimental number 43752. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner June 2, 1916, at Ypres, unwounded. He escaped into Holland February 16, 1918, and was repatriated to England, March 20, 1918. He is now in receipt of a 70 per cent disability pension, amounting to \$80.50 per month, based on Diabetes Mellitus. He was married April 24, 1922, and has one child. Prior to enlistment, he was employed as an oiler and helper on machines in a lumber yard, also as a freight handler, earning \$10 per week, and since his discharge tried various jobs at wages ranging from \$25 per week to 40 cents per hour. Had to give up work frequently owing to ill health, and recently has secured a position with the Post Office, earning \$1,080 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having to stand at attention for long periods, starvation, abuse, heavy labour and lack of medical attention.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at Dulmen and Engers prison camps. From the latter he escaped. He was at Dulmen for 6 weeks and has nothing to

complain of except as to the food. At Engers, a particularly brutal guard made life miserable for the prisoners, and claimant received numerous kicks and blows, which, however, he admits have left no permanent disability. He complains that the treatment for boils, from which he, with others, suffered, was very cruel. The boils were lanced and left open without dressings. The familiar punishment of standing the prisoners to attention for long hours was also resorted to and confinement to cells was claimant's lot for an unsuccessful attempt to escape. The confinement was so severe, with no food and scarcely any water that claimant collapsed upon his release from cells. The only disability stressed by claimant is diabetes which he ascribes to his experience whilst a prisoner. It is for this condition that he receives pension. Upon repatriation, claimant made a statement to the authorities, a printed copy whereof is of record. In this statement he speaks of no particular acts of brutality but refers to the food shortage as cruel and complains of the long hours of work. This statement is milder in its condemnation of prison conditions and treatment than is the testimony of claimant before this Commission.

The medical record indicates that claimant suffers from diabetes mellitus. His percentage of disability is stated at 90 per cent. Dr. T. M. Savage, of Guelph, Ont., who certifies to the foregoing, did not appear before the Commission, but supplemented his certificate by a letter showing that claimant's condition was very serious when he became one of Dr. Banting's original cases under insulin treatment. Dr. Savage attributes claimant's impaired health to the conditions under which he was forced to live and work whilst a prisoner of war in Germany.

In view of the statement made by claimant upon repatriation, when events were fresh in his mind, I do not consider that he has succeeded in showing that the disability of which he now complains, can be said to result from maltreatment. His recourse is before the Board of Pension Commissioners. The claim, must, accordingly be disallowed.

ERROL M. McDUGALL,

Commissioner.

OTTAWA, December 1, 1931.

CASE 2142—JOHN GOURLAY

The claimant was a Corporal in the 2nd Battalion—Regimental number 7972. He enlisted in August, 1914, at the age of 29 years. He was taken prisoner April 24, 1915, suffering from a bullet wound in the left forearm. He was released to Holland in March, 1918, and repatriated to England, November 18 of that same year. He is in receipt of a 10 per cent disability pension amounting to \$13 per month for himself and family, based on the bullet wound in his left arm. He was married at the time of enlistment and has two children. Prior to enlistment, he was a practising architect making about \$100 per month, and at the present time is in the employ of the Ontario Government, as draughtsman, at \$190 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that while compelled to work behind the German lines, he received shrapnel wounds in the head and chest and is now troubled with dizzy spells and gas around the heart as a result. He was kicked and beaten for not working when too ill to do so.

An analysis of the evidence reveals:—

There seems to be some confusion as to the wounds claimant received before and after capture. He was first wounded on April 24, and picked up on the 26th by the Germans. He received a pension for gunshot wound in the left forearm.

He himself tells us that he was wounded through the back and shoulder, and suggests that it was maltreatment on the part of the Germans to place him in a small hut behind the firing lines, where he was hit by one of our own shells. There is no merit in this contention. All claimant's wounds must be regarded as received in combat. Claimant was taken to hospital at Roulers where he received treatment. Transferred to Abbeville he received further treatment, as to which he has no complaint. He was then sent to Muenster No. 2, where he remained until repatriated to Holland. The first six months in hospital was without incident. Claimant then appears to have been fortunate in being given light work in the post office and has no complaint of any physical abuse. His claim is confined to impaired health due to poor food. He suffers from his nerves, his digestion and headaches, all of which he ascribes to his experiences whilst a prisoner.

The medical record indicates that claimant suffers from general debility. His percentage of disability is stated at 25 per cent. Dr. R. J. MacMillan, who certifies to the foregoing very general condition, did not appear before the Commission. Claimant's medical history files deal only with his wounds, his general condition being declared normal.

Clearly this is a case solely within the scope of the activities of the Board of Pension Commissioners. The claim should not have been advanced before this Commission. The evidence of treatment in Germany is on the whole good and cannot certainly qualify as maltreatment. Claimant's disabilities, if any, are of nutritional origin, and, as explained in Opinion annexed to the present report, cannot be regarded as the result of maltreatment. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2144—HENRY WILLIAM PAGE

The claimant was a Sergeant in the 15th Battalion—Regimental number 27561. He enlisted in August, 1914, at the age of 35 years. He was taken prisoner April 24, 1915, during the second battle of Ypres suffering from a gunshot wound in the side of the face. He was released to Switzerland in August, 1916, and was repatriated to England June 15, 1918. He is in receipt of pension mounting to \$15 per month, based on defective hearing, caused by gunshot wound. He was married December 23, 1922, and has no children. Prior to enlistment, he held various positions as a mechanic, earning up to forty-five cents per hour, and he is at present employed as a machine operator, earning \$31 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of various punishments including beatings, solitary confinement, being compelled to stand at attention in all weathers, unsanitary living conditions, which have resulted in tubercular glands and pulmonary tuberculosis.

An analysis of the evidence reveals:—

Claimant was gravely wounded through the head when captured. He was taken to Roulers hospital where he received some medical attention and was then transferred to hospital at Magdeburg where he remained three to four months. He has no complaints as to his treatment in hospital. Sent to Altongrabow, he was not made to work, but complains of long hours of standing at attention in the sun, and generally being kicked and abused. He also complains bitterly of the living conditions, which were congested, dirty and unsanitary. Claimant was then sent to Mannheim for three months and finally

transferred to Switzerland. Apart from deafness in one ear—the result of his wound—for which he receives pension, claimant asserts that his treatment in Germany brought on tuberculosis for which he was treated in Switzerland and, while the disease has been arrested, he regards himself as disabled thereby. He suffers from bronchitis and his nerves. The medical record indicates that claimant had or has tubercular glands in the neck (cervical), tuberculosis in chest producing chronic bronchitis (T.B. arrested), and is totally deaf in right ear. His percentage of disability is stated at 80 per cent in his own calling, and at 100 per cent in the general labour market. Dr. Sterling L. Spicer, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files are quite complete, showing the injured ear and the tubercular condition, which is arrested.

Claimant confines his complaints to the tubercular condition. As I read the evidence and documents of record, this condition is consequent upon general living conditions in Germany and cannot be ascribed to any particular acts of maltreatment. Besides, upon claimant's own statement, he apparently suffers no disability therefrom. As explained in Opinion annexed to the present report, the state of facts disclosed does not constitute maltreatment. Claimant's recourse, if any, for the condition of tuberculosis, is before the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2145—JOHN THOMAS FELLOWS

The claimant was a Corporal in the 15th Battalion—Regimental number 27152. He enlisted in August, 1914, at the age of 30 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering slightly from gas. He was released to Holland in July, 1918, and was repatriated to England November 18 of that year. He is not in receipt of pension, but has an application pending before the board. He was married September 12, 1930, and has no children. Prior to enlistment, he was a resident engineer constructing a gas works, earning \$25 per week and expenses, and since his discharge has been a draftsman with the Consumers Gas Company, at \$42 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work while unfit and being compelled to stand at attention. Received a blow in the chest with a rifle butt splintering the rib. Developed goitre while a prisoner and now suffers from stomach disorders, nervous condition and general debility.

An analysis of the evidence reveals:—

Claimant was a prisoner in Gottingen camp for more than a year. He states that he became poisoned by bad food and while suffering from this condition was made to work. As an N.C.O., the work was not heavy but it is claimant's contention that his health was permanently impaired thereby. Sent to Cassel, he worked in the bush cutting wood and later spent time at Sultau, Hestenmoor and Aachen camps. His only complaint of brutality is that on one occasion he was struck on the chest with the butt of a rifle, sustaining a splintered rib, which caused him great pain, but has apparently left no disability. The treatment so received has affected his nerves and induced a goitre, for which he underwent an operation, upon his return to Canada. He also complains of piles.

The medical record indicates that claimant suffers from exophthalmic goitre (operated July, 1923), general sinusitis, piles and varicose veins left leg. His percentage of disability is stated at 50 per cent in his own calling and at 90 per cent in the general labour market. Dr. F. R. Scott, who certifies to the foregoing, did not appear before the Commission. Claimant's last medical board upon discharge from the service, declares "all systems normal."

It does not follow from the evidence of record, that the goitre from which claimant suffers had its origin in Germany, due to maltreatment, nor has claimant established the connexity between his alleged nervous condition and treatment during his period of captivity. Even were this point satisfactorily proven, I am not convinced that goitre is the result of maltreatment. On the whole, I do not consider that claimant has succeeded in making out a case before this Commission. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 7, 1931.

Commissioner.

CASE 2147—ROLFE BORROW WELCH

The claimant was a Private in the 3rd Battalion,—Regimental number 9843. He enlisted in 1914 at the age of 19 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded, but slightly gassed. He was repatriated to England on January 11, 1919. He is in receipt of disability pension, amounting to \$19.50 per month, including allowances for his family, based on "neurosis". He was married on July 22, 1922, and has two children. Prior to enlistment, he was employed as a blue print developer, at a salary of \$14 per week, and since his discharge has been employed as a Postal Clerk, at a salary of \$1,740 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was continually beaten because of his output of work. He also complains of insufficient food and clothing. He alleges a nervous condition, and chest and stomach trouble.

An analysis of the evidence reveals:—

For the first 2½ years of his captivity, which claimant spent at Giessen and Bohinte camps and attached farms, claimant has little to complain of, except as to the heavy work and poor food. Finally he was sent to an iron foundry, at a place which he refers to as Georgian Mary's factory. Here he was employed unloading iron ore, very heavy work, and was constantly beaten because he could not accomplish his quota. He complains that he was even made to work on Sundays, and also protests that he was compelled to wear wooden clogs and did not have sufficient clothing. He does not detail the physical abuse to which he was subjected, but contends that, as a result of his experiences at this foundry, his nerves have suffered and that he has a chest condition.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's medical history files show nothing unusual, apart from the notation that he is in receipt of pension for neurosis.

In this state of the record, without medical evidence to support claimant's application, it is impossible to find in his favour. The only corroborative evidence of disability is the fact that he receives a pension, and I do not think that I am at liberty to infer that the condition for which he is pensioned necessarily results from maltreatment whilst a prisoner of war. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 2148—GEORGE HENRY WALLACE

The claimant was a Private in the Fourth Canadian Mounted Rifles—Regimental No. 109657. He enlisted in November, 1914, at the age of 26 years and was taken prisoner June 2, 1916, slightly wounded by shrapnel in the right arm. He was repatriated to Holland in May, 1918, and to England in November, 1918. He is not in receipt of pension. Claimant was married before enlistment and now has three children. Prior to enlistment, he was employed in a wire cable works at Hamilton, Ontario, earning about \$11 a week. He is engaged in the same employment at the present time, earning about 50 cents an hour when working. In all he earns from \$12 to \$14 a week.

He alleges that, while a prisoner of war, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains chiefly of having had to work in coal mines for about six months, where his health broke down, that he was hit on the head and beaten until he was black and blue. He complains of the condition of his nerves as a result of his experiences in Germany.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, where he remained about three months. Apart from poor food and starvation, he has no complaint to make. He was then transferred to Minden, where he remained for 12 months, and was made to work building the embankment of a canal. At a kommando to which he was sent near Essen, working in a coal mine, he received some physical brutality. Struck by the sergeant in charge, he engaged in a scuffle with him and was struck on the head with a shovel in the hands of the guard. He received no medical attention for this wound although he had a gash in his head, and was denied the privilege of seeing a doctor. On another occasion, while in the bath house, he was hit in the stomach with a rifle and about the back and shoulders. He does not complain of any particular disabilities resulting from these beatings, but says that shortly afterwards he developed a pain in the back which still troubles him. Apparently claimant became a marked man and was given punishment of standing to attention for long hours and, although suffering at the time, was refused medical attention. He complains only about the condition of his nerves and is rather vague as to precisely in what manner they have been affected by his experiences in Germany. It rather appears as though his main trouble is fear of the future.

The medical record indicates that claimant suffers from neurasthenia. His percentage of disability is stated at 33½ per cent in his own calling and at 50 per cent in the general labour market. Dr. James C. Copp, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files reveal nothing unusual, some reference being made to a condition of general debility, upon examination in England.

In this state of the record, it is difficult to arrive at the conclusion that claimant was subjected to maltreatment whilst a prisoner in Germany, which has resulted in permanent disability to him. The physical abuse to which he was subjected does not appear to have left any permanent disability and his claim is not based upon an injury to his back, but is purely in respect of his nerves. If he suffers disability from this condition, as stated in the medical certificate produced, I regard this as due to the general conditions of camp life in Germany and, provided claimant can establish some impairment to his health, his claim should receive consideration at the hands of the Board of Pension Commissioners. As far as this Commission is concerned, I am of opinion that he has failed to make out a case. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 8, 1931.

CASE 2149—JAMES THOMAS COX

The claimant was a Private in the 15th Battalion—Regimental number 27022. He enlisted in 1914 at the age of 38 years. He was taken prisoner 24th April, 1915, during the second battle of Ypres, unwounded, but suffering from gas. He was repatriated to England on the 8th January, 1919. He is in receipt of disability pension of \$20 per month, including wife's allowance, based on "defective hearing". He is married, with two grown-up children. Prior to enlistment he was a yard foreman earning \$12 per week. Since his discharge he has been doing casual labouring jobs, but he was at the time of the hearing, out of employment.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that as a result of refusing to work he was beaten and struck on the head. Later he was tied to a boiler door till he fainted and was generally abused and ill treated.

An analysis of the evidence reveals:—

Claimant was first taken to Giessen Camp, as to which he has no complaint. Sent on a working party to a silver mine, he was badly beaten for refusing to work and struck behind the ear with the butt of a rifle, to which blow he attributes his present deafness. He was transferred to Lichtenhorst, where he remained about one year. He was not beaten and has no particular complaints to make. At a sugar factory, he was punished for being unable to work, through weakness, by being tied to a boiler door until he collapsed. He was revived by water from a hose and continued to work. At Bohinte claimant was tied to a post for 10 hours for again refusing to work. He completed his term of captivity at a farm where conditions were better. He complains of his hearing and impaired stomach condition.

Claimant's medical history files show impaired hearing, for which he receives pension. While he has not produced any other medical evidence, the fact of his deafness was quite evident at the hearing.

I see no reason to doubt claimant's account of his treatment at the silver mines, and, with the definite fact of disability so apparent, I consider that he has been successful in establishing the connexity between his impaired hearing and his treatment whilst a prisoner of war. I would, accordingly, recommend a payment to him of \$800, with interest thereon, at the rate of 5 per cent per annum, from the 10th of January, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 3, 1931.

Commissioner.

CASE 2150—ALFRED THOMPSON

The claimant was a Private in the 4th C.M.R.—Regimental number 109642. He enlisted in October 1914 at the age of 16 years, though his attestation paper indicates that he was twenty. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 29, 1918. He is not in receipt of pension and has made no application therefor. He was married in April 1919 and has one child and was expecting a second at the time of the hearing. Prior to enlistment, he was working as a boy around a garage, earning \$6 per week and at the time of the hearing was a member of the Toronto Police force earning about \$40 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of harsh treatment in a coal mine where he was beaten and struck, with injury to his leg, injury to his thumb through carelessness of a guard and had to work in the coke ovens on Sunday, until his hands were raw.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen Camp, where he remained two or three months. He has no complaints of his treatment here, except as to lack of food. Sent to the coal mines—K-47—(Recklinghausen) for 7 months he was subjected to long hours of standing to attention for refusing to work. Finally compelled to do so, claimant was sent down in the mines, where he speaks of the work and treatment as brutal. On one occasion he was struck by a guard and retaliated, with the result that the sentry was called, who, claimant declares, struck him across the shin bone with his rifle, skinning the bone, down the leg. Placed in cells, he was again beaten with a rubber hose and made to continue working. He was finally sent to hospital where he remained for eight months, narrowly escaping the loss of his leg. The recital of this incident, so stressed by claimant, does not agree with his account of the occurrence appearing in his medical files. For purpose of comparison, I quote the entry there appearing as follows: "In September 1917 while a prisoner in Germany working in mine a log fell and hit him on right shin and wound did not heal for eight months. Has broken open several times since. Gives him pain when walks much." Taxed with this inconsistency in the two stories, claimant does not furnish a satisfactory explanation. Continuing with his experiences, claimant refers to an injury to his thumb, which was accidental, and charges that the German doctor ripped the nail off without anaesthetic. When asked as to his disabilities, he confines his complaints to the condition of his leg.

The medical record indicates that claimant has a large scar on leg in front of tibia, skin is very thin. His percentage of disability is stated at 50 per cent in his own calling and at 75 per cent in the general labour market. Dr. C. S. H. Henderson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files, apart from the leg injury referred to, contain nothing unusual.

In cases such as these, when we are compelled to rely upon the good faith of claimants in recounting their experiences and have very little opportunity of checking the accuracy of the statements made, a contradiction such as shown above must seriously damage a claimant's credibility. I believe that the injury complained of was accidental in origin and was not due to maltreatment by the guards. Claimant has, therefore, failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2160—ALBERT THOMAS MILLS

The claimant was a Corporal in the 4th C.M.R.—Regimental No. 113398. He enlisted in July 1915 at the age of 20 years. He was taken prisoner June 4, 1916, suffering from shrapnel wounds in the right shin and right thumb. He was sent to Holland in June 1918, and repatriated to England November 18, 1918. He is not in receipt of disability pension, and states that he does not intend to apply therefor. He was married in November 1923 and has no children. Prior to enlistment, he was a steamfitter, and since his discharge has been a policeman on the Toronto Police Force, at a salary of \$42 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he did not receive proper attention for his wounds, injury to feet from compulsory wearing of wooden clogs, general abuse and that his tonsils were removed without an anaesthetic.

An analysis of the evidence reveals:—

Claimant spent two years at Giessen camp, the first 3 months whereof in hospital. He complains of lack of medical attention to his wounded thumb. His main complaint is that his boots were taken away from him and he was compelled to wear wooden clogs, which has resulted in permanent injury to his feet—ingrown toe-nails on great toes, from which he still suffers. He also speaks of some chest trouble. In general, his complaints of physical brutality are not considerable. While he was hit and beaten, no disability resulted therefrom. For unsuccessful attempts to escape, he received the usual solitary confinement. Since his return to Canada, claimant has undergone two operations upon his toes. He suffers also, periodically with his stomach.

The medical record indicates that claimant had ingrown toe-nails—both great toes—necessitating cutting out of each nail, and suffers from bronchitis. His percentage of disability is stated at 10 per cent in his own calling and at 50 per cent in the general labour market. Dr. Fred C. Marlow, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, his last medical board, upon discharge from the service, declaring all systems normal.

I can see no reason for the assertion of this claim before this Commission. If claimant has suffered the disability claimed, the proper forum for redress is the Board of Pension Commissioners. He is apparently under the common misapprehension that this Commission has been set up to supplement or increase awards made by the Pensions Board. The claim fails, and is, accordingly, disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2161—WILFRED MORRISON

The claimant was a private in the 4th Canadian Mounted Rifles,—regimental number 109506. He enlisted in September 1914 at the age of 21 years, was taken prisoner June 2, 1916, unwounded. He was repatriated to England in December 1918. He is not in receipt of pension, but has made application therefor. Claimant was married on June 4, 1919, and has one child. Prior to enlistment, he was employed in railroading, as a car checker, and earned \$60 a month. He is now with the Brewers Warehouse Association, and earns \$25 a week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being made to work in the coal mines, contracted blood poisoning in his finger and through lack of medical attention and deliberate intent to maim, he has a permanently stiff finger. He also complains of the punishment given him for attempts to escape.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen Camp, as to which he has no complaints. Sent to a stone quarry near Friedrichfeld, he escaped, was recaptured, beaten and served 14 days in cells at Munster. Sent to coal mines at Lunen, for refusing to work, he was ill-treated, placed in a room with the steam on, until compelled to consent to work. In the mines he poisoned his finger, was denied treatment, compelled to work and finally, after 10 days, was admitted to hospital and underwent an operation. The hand began to heal, but claimant charges that a nurse cut the cord during a dressing and then laughed at claimant. To this treatment, he attributes a permanently disabled finger. Claimant's statements, made upon repatriation, and appearing in his medical files, are in substantial accord with his testimony. As to the rest of his period of captivity, claimant speaks of general rough treatment but does not claim any disability resulting therefrom.

He admits he is not seriously disabled. For a second attempt to escape he was again beaten and given cells.

The medical record indicates that claimant has an anklyosis of the 1st and 2nd joints of left index finger. His percentage of disability is stated at 10 per cent. Dr. C. S. Henderson, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files contain a full statement as to the cause of the injury to his finger.

Claimant is in good health and confines his complaint to the disability to his finger. I have read the evidence very carefully relating to the alleged cause of this disability, and, without in any way wishing to doubt claimant's version, I think there is great doubt as to whether the injury was intentional. I am inclined to think it was accidental and while it may be classed as an act of gross carelessness on the part of the nurse, I would require more positive evidence to reach a finding that it was deliberate maltreatment. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2162—GEORGE DRAPER

The claimant was a Private in the 4th C.M.R.—Regimental number 109120. He enlisted in November, 1914, at the age of 23 years and was taken prisoner June 2, 1916, unwounded. Repatriated to England in December, 1918, he is in receipt of a disability pension amounting to \$24 per month, based on neurasthenia. He is married and has seven children. Prior to enlistment, he was employed as a screen man for a Brick Company, at the rate of pay of \$12 per week and house. Since his discharge, he has been employed on sign construction work, at the rate of \$27 per week, but he is at present unemployed.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the food conditions, that he was twice beaten and rendered unconscious, and stabbed with a bayonet.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, where he spent six weeks under conditions of inadequate food. He was then sent to the notorious K-47 camp, attached to Dulmen, where he remained 18 months. He was beaten into unconsciousness with a rubber hose because he could not understand the guards and again beaten with a rifle butt about the body and legs until he collapsed. As a result he was in hospital for eight weeks, his legs being so weak he could not stand on them. He was made to stand to attention and placed in front of the coke ovens as a punishment for not completing the work assigned to him. He spent six weeks in Munster hospital, and was then sent to K-147, for a year. Here, for refusing to work he was beaten, confined to cells and on one occasion stabbed with a bayonet by a guard because he resented the action of a woman on the street who spat in his face. He complains of his nerves, pains in head, dizziness and impaired hearing, all of which he ascribes to his experience in Germany.

The medical record indicates that claimant suffers from neurasthenia and that his hearing is impaired from inner ear injury. His percentage of disability is stated at 100 per cent. Dr. F. S. Park, who certifies to the foregoing, did not appear before the Commission. From an examination of claimant's medical files, it would appear that the above statement of disability is somewhat exaggerated, but it is clear that claimant's health is impaired, his nervous system chiefly being affected.

Claimant's testimony was given in a frank and convincing manner and I have no reason to doubt the accuracy of the statements made or that injury resulted from the treatment given him. He has, therefore, met the requirements of showing some present disability resulting from maltreatment whilst a prisoner of war. I would recommend a payment to him of \$700 with interest thereon at the rate of 5 per cent per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 2163—ROBERT BROWN

The claimant was a Private in the 15th Battalion—Regimental number 27867. He enlisted in August, 1914, at the age of 44 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, slightly gassed, but states that shortly previous to his capture he had fallen in the trench and sustained a broken breastbone and a rupture. He was repatriated to England December 22, 1918. He is in receipt of disability pension, amounting to \$11.50 per month, based on "conjunctivitis and right bubonocoele." He is married and has four children, three over the age of twenty-one years, and one aged 11 years. Prior to enlistment, he was checker in a Carpet Works, earning \$12 per week. Since his discharge he has been employed as a musician at \$45 per week, then as an attendant at a hospital, at \$44 per month, but at the time of the hearing was out of employment.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was given no medical attention for his wounds nor for bronchitis and catarrh, which he contracted as a result of exposure whilst at work, and that in consequence, his hearing has become impaired and the tear duct of one eye is affected.

An analysis of the evidence reveals:—

Claimant is an old soldier, having served in the South African war and the Zululand campaign, of 1888. He spent the first year of his captivity at Gottingen camp, working on the building of roads. His only complaint is that he received no medical attention for his injured chest and hernia, but was made to work, which aggravated the condition. He was next sent to Cassel and Langensalza camps. The heavy labour in lumbering work and exposure to the weather and continued refusal of medical attention are claimant's grievances at these camps. He complains of colds and deafness with some eye affection. Claimant's defective hearing was never reported during his medical examinations.

The medical record indicates that claimant suffers from bronchitis and nasal catarrh, with deafness; has broken breast bone and inguinal hernia, lacrymal infection and obstruction nasal duct. His percentage of disability is stated at 50 per cent. Dr. Frank Abbott, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files are very complete. The chest injury and hernia were sustained before capture, due to a fall. The eye condition which developed in Germany is ascribed possibly to claimant's prewar occupation. There is no mention of any ear trouble.

Claimant is no longer young and must expect the usual diminishment of vigour which accompanies advancing years. I cannot say, from the evidence, that he has shown any aggravation of his injuries as the result of any maltreatment whilst a prisoner of war. His impairment of hearing, as far as I can

learn, is not shown to be the result of ill-treatment. Viewing all the circumstances, I do not consider that claimant has established any connexion between his present condition and his experiences in Germany. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 2164—HARVEY WALLACE

The claimant was a Sapper in the 2nd Canadian Tunnelling Co. He enlisted in September, 1915, at the age of 37,—Regimental No. 503211. He was taken prisoner June 2, 1916, at Mount Sorrel, unwounded, but had been gassed a few days previously. He was repatriated to England from Holland on November 18, 1918. He is not in receipt of pension, and has not applied therefor. He was married on July 7, 1919, and has one child. Prior to enlistment, he was engaged as a miner, earning not less than \$1,800 per annum. Since his discharge he has been engaged in various occupations, including a period of four years at his former occupation of mining, at \$5.30 per day, and is now employed as Club Steward for the Vancouver Branch of the Canadian Legion, at a salary of \$85 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of rheumatism, nervous debility, and loss of memory, induced by brutality, neglect, exposure and general ill treatment. He states that his health has been so undermined that he will never again be able to earn his living in his proper occupation, that of miner.

An analysis of the evidence reveals:—

The complaint in this case is general and relates to living conditions, poor food and minor punishment. Although a non-commissioned officer, his rank had not been confirmed and he was exposed to rough handling for refusing to work. He has no complaint as to Dulmen camp, but complains of rough treatment at Pruschius where he was made to stand at attention for long periods. Refusal to give the prisoners their parcels is another bitter complaint. At Ayrs, in Prussia, there was no particular brutality, but claimant refers to the inoculations he was forced to undergo as having damaged his health. He complains of rheumatism which incapacitates him, and of nervousness.

The medical record indicates that claimant suffers from acute rheumatism. His percentage of disability is stated at 50 per cent. In addition to the certificate of Dr. J. Bonnell to this effect, certificate of Dr. A. E. Kelman is filed to the effect that claimant suffers from periodic attacks of acute rheumatism with severe nervous debility. Neither doctor appeared before the Commission. Claimant's medical board, upon discharge, declare him fit and does not note any disability.

In these circumstances it is difficult to ascribe claimant's rheumatic condition to his experiences as a prisoner of war. It is true that he may not have been as comfortably housed as he might have been, but these conditions were quite general. Viewing the entire record, I cannot say that claimant has established a case of disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2165—PETER NELSON

Claimant is of Danish birth, but came to Canada to reside in 1910 and became naturalized as a British subject in 1923. He enlisted November 9, 1914, in the 29th Battalion,—Regimental No. 76227, and was taken prisoner on November 1, 1915. He escaped on November 15, 1916. He is unmarried. He is not in receipt of pension but has made application therefor. Prior to enlistment, he was employed as a surveyor's chain man, and he was unemployed at the time of the hearing.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that immediately after capture he was struck with the butt of a rifle in the back of the neck, injuring the skull, and when being inoculated against typhus claims that the needle was inserted too deep underneath the heart. Was struck on the nose twice at Munster and has had difficulty in breathing ever since. He made two unsuccessful attempts to escape and was placed in solitary confinement in a concrete tank and developed a sore back. Was compelled to work at digging canals in water to the knees. He received a terrific beating after the second attempt to escape.

An analysis of the evidence reveals:—

In his statement of claim, claimant alleges a blow on the head immediately after capture. In his evidence it would appear that this incident occurred while he was being captured, and cannot, therefore, be regarded as maltreatment. His testimony covers the incidents of maltreatment set out in his statement of claim, but it is significant that a copy of claimant's statement made upon repatriation, when the events were fresh in his mind, gives a much milder account of his experiences. He now complains of the injury to his nose and a lame back.

The medical record consists of a certificate from Dr. T. V. Curtin, to the effect that claimant is suffering from mediastinal and bronchial thickening with emphysema. Claimant's medical files show nothing unusual, but refer to his having sustained a fractured skull which causes no disability.

Much of claimant's punishment resulted from his attempts to escape, and from a comparison of his testimony and his statement upon repatriation, I am inclined to think that claimant has somewhat exaggerated the hardships he underwent. There is no evidence in the record establishing that any present disability results from maltreatment whilst a prisoner of war. His claim, if any, is before the Board of Pension Commissioners. It is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 3, 1931.

CASE 2166—ARTHUR DONOVAN CORKER

The claimant was a Private in the 7th Battalion,—Regimental number 16874. He enlisted September 22, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the battle of Ypres, suffering from a slight flesh wound in the right wrist and left thumb, and gas. He escaped from imprisonment June 19, 1918, and was repatriated to England July 19, 1918. He is in receipt of a 40 per cent disability pension, amounting to \$52 per month for himself, his wife and children, based on defective hearing. He was married January 1, 1924, and has two children. Prior to enlistment, he was employed

as clerk in the Bank of Nova Scotia, and later as assistant manager of a branch of a flour milling company at Nanaimo, B.C., at \$75 per month, and since his discharge has had several occupations ranging from farming, railroad construction, millwright to carpentering, from 62 cents per hour to \$1 per hour.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of confinement to cells and lack of food, blows on the head, lack of medical attention. States that his permanent deafness is the result of his treatment while held prisoner.

An analysis of the evidence reveals:—

Claimant has told a very clear story of his period of captivity at Giessen camp, and the working commandoes to which he was sent. There is also of record a very complete and comprehensive statement by claimant made upon his return to England. He furnishes what must be regarded as the most accurate picture of camp life, and treatment at Giessen and surrounding camps. Claimant made 7 attempts to escape, the last of which was successful, on June 7, 1918. Upon recapture after 6 unsuccessful attempts he received the usual confinement of 14 days and on one occasion 10 days additional. He complains of being beaten by the guards at Staudt. He was hit over the head and according to the testimony of a fellow prisoner (S. Ramsden, Case No. 1963) was "knocked out." Apart from inadequate food and arduous work, claimant has no other particular complaint to make. He speaks of conditions in the camp as generally fair and estimates Giessen to have been one of the best prison camps. He attributes his defective hearing, as to which he is in receipt of pension, to confinement in dark cells on short rations and possibly the blow on the head referred to.

Claimant's pension file indicates that he suffers from defective hearing. This condition was very evident at the hearing, in Vancouver. It also appears that his hearing was never very acute, due possibly to diphtheria in childhood, and several attacks of tonsilitis previous to enlistment. It is found, however, that his disability was aggravated by service and that his condition will be permanent.

In this state of the record it is extremely difficult to determine whether claimant's deafness in whole or in part may be attributed to maltreatment whilst a prisoner of war. Claimant related his experiences in a most convincing manner and I have every reason to believe that his story is accurate, particularly as it accords closely with the statement made by claimant upon repatriation. After very careful consideration, upon a view of the whole case, I have reached the conclusion that his treatment as a prisoner of war has contributed to his disability, and that he was, in fact, subjected to such maltreatment as would be likely to bring about the condition complained of. I would, accordingly, recommend a payment to claimant of \$1,000 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920 to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 3, 1931.

CASE 2167—JOHN LOMAX

The claimant was an Imperial soldier, a Private in the 26th Northumberland Fusiliers—Regimental No. 42425. He first came to Canada July 18, 1920. He enlisted in England December 14, 1915, at the age of 30 years. He was married at the time of enlistment and has two children now of age. He was taken prisoner April 11, 1918, at Armentiers, unwounded. He was repatriated

to England November 29, 1918. He had been in receipt of a 30 per cent disability pension amounting to 10/6 per week, based on valvular disease of the heart, but he commuted this pension in 1923 for about \$300. Prior to enlistment he was employed as a cotton weaver in the old country, earning about 30 shillings per week, and after discharge returned to this employment but later came to Canada and tried farming. He was unemployed at the time of the hearing due to the fact that he cannot use his left arm.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been confined to a dungeon for five weeks and given but little food and water. There were 350 other prisoners in the dungeon, and when he was released he was weak and emaciated. He suffers from trembling in the legs and arms and has neurasthenia and heart trouble.

It was explained to claimant, at the hearing, that as he had not served with a Canadian unit and only came to Canada to reside after the date of the ratification of the Treaty of Versailles, viz., January 10, 1920, this Commission was without jurisdiction to entertain the claim. Upon further consideration of the matter, this view is confirmed. For reasons explained in my general report, the date constitutive of jurisdiction is January 10, 1920. Reserving, therefore, to claimant all his recourses, and without dealing with the case upon its merits, I am compelled to disallow it before this Commission.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 2168—MRS. F. CROUCHER.

Claim is made by the mother of George James Adams, a Private in the 15th Battalion—Regimental number 27615. He enlisted in August, 1914, when he was slightly over 16 years of age, was taken prisoner and spent some time in Germany. His own claim was dealt with by the previous Commissioner (case No. 1363, p. 504 of the Friel Report). He received an award of \$2,000 with interest from January 10, 1920, on account of maltreatment as a prisoner of war.

Claim is now advanced by the mother, the boy being in California, seeking compensation for the worry and trouble which claimant has suffered through the imprisonment of her son. She declares that his entire moral fibre has been ruined; that he has been in prison several times, and furnishes claimant with no support. The boy went over-seas a fine upstanding, straightforward young man, but as a result of his imprisonment and treatment his whole nature has changed and his life has been ruined.

At a hearing, held at Vancouver, January 21, 1931, Mrs. Croucher appeared, and it was explained to her that no claim on her behalf could be entertained.

It is obvious that the reparation provisions of the Treaty of Versailles dealing with prisoners of war relate only to the claim of the prisoner himself. The indirect damage, if damage it be, sustained by a parent as a result of maltreatment to a son does not fall within the purview of the Treaty. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 2169—DOMINIC DOLGA

The claimant was a Gunner with the First Canadian Field Artillery—Regimental number 37422. He enlisted September 22, 1914, at the age of 19 years, according to the military records, but states that he was only 17. He was taken prisoner June 3, 1916, at Ypres, unwounded. He was repatriated to England, December 5, 1918. He is not in receipt of pension. He was married in January, 1919, and has three children. Prior to enlistment, he was unemployed and since his discharge, has been doing any work he can get.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the loss of £50 and a gold watch and chain and locket to the value of \$75, also a ring worth £2. Attempted to escape, was captured, placed in confinement and beaten with a rifle, two ribs being broken and his back injured. He cannot now do heavy work.

An analysis of the evidence reveals:—

Claimant complains of one incident of maltreatment only. After capture he was taken to Dulmen camp and from there to Duisburg. He attempted to escape, was recaptured, put in a "black hole" and beaten by his guards, as a result of which he had two ribs broken and his back was injured. In addition he declares that certain personal effects, as shown in his claim, were taken from him by his captors.

The medical record is entirely silent as to claimant's condition. He has not filed the usual certificate of a physician indicating disability. Subsequently to the hearing, an X-Ray report was furnished which shows that claimant has had a fracture of the 4th right rib anteriorly, which has healed in good position. No other lesions are detectible.

In this state of the record, it is clearly impossible to find that claimant has sustained disability resulting from maltreatment whilst a prisoner of war. He has failed to discharge the burden of establishing these two essential facts. Nor do I consider his claim for loss of personal effects has been proven. If any such allowance is to be made, some corroboration must be furnished, not only as to the loss of the effects, but also as to their value. In these circumstances, I am compelled to disallow the claim.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 8, 1931.

CASE 2170—LYAL REA

The claimant was a Private in the 79th Battalion, and subsequently transferred to the 43rd Battalion—Regimental No. 151894. He enlisted on October 2, 1915, at the age of 24. He was taken prisoner September 21, 1916, on the Somme, suffering from a gunshot wound in the skull. He was repatriated to England on December 20, 1918. He is in receipt of a disability pension amounting to \$21 per month, based on gunshot wound head and myalgia. He was married January 26, 1920, and has three children. Prior to enlistment, he was a butcher. Since his discharge he has held various positions, and is now employed with the Pat Burns Co., at a salary of \$130 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. Made to work when ill, beaten and driven to it by the guards, and inadequate food, are the grounds upon which claimant puts forward his claim. He states that he suffers from recurring pains in the head and back, and that his back has been rendered permanently weak.

An analysis of the evidence reveals:—

Claimant received medical attention for his scalp wound shortly after capture. The bullet was removed and apparently there is no complaint as to maltreatment on this score. He was sent to Hameln camp, and apart from the occasional blow has no complaint as to his treatment here. From Hameln he went to a munitions factory near Hanover. Being unaccustomed to the arduous labour required he was taken ill, and went to barracks without permission. He was beaten by the guards with rifle butts and forced back to work. He then found himself in an officers camp where conditions were fairly good. The complaint is based upon the fact that claimant was compelled to work when he was not fit.

The medical record indicates that claimant has a scar on the top of his head causing frequent headaches, and complains of pain and tenderness in back, aggravated by movement, with pain and swelling inner side of instep of both feet. His percentage of disability is stated at 25 per cent. No medical evidence was adduced before the Commission, and claimant's medical history files refer merely to gunshot wound in head and myalgia. Claimant admits that his back condition arose before he went overseas, at Brandon Camp.

In this state of the record, the disability, if any, now suffered by claimant, is due to service conditions, and cannot be ascribed to maltreatment whilst a prisoner of war. His recourse is not before this Commission. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2171—CARMAN LIVIE JACKSON

The claimant was a Private in the 44th Battalion—Regimental number 865956. He enlisted March 22, 1917, at the age of 19 years. He was taken prisoner August 23, 1917, unwounded. He was repatriated to England December 9, 1918. He is not in receipt of pension but may apply therefor. He was married November 15, 1923, and has no children. Prior to enlistment, he was engaged in farming and since his discharge has returned to that occupation, and manages to make a living.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of blows on the hand from civilian guards in a coal mine and of long hours of punishment standing to attention. He now suffers with pains in his shoulder and down his back which handicaps him in his farm work.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for 15 months, the first three months of which, at Dulmen, as to which he has no complaint. The 12 months at Essen, where he was employed in a coal mine, give rise to his claim. He mentions two acts of maltreatment. On one occasion he allowed a stone wagon which he was operating to get off the track. Blamed for this, he was set upon by three civilian workers with pick handles, beaten and kicked low on the right side and was also hit across the hand, from both of which injuries he suffered for some time. His other complaint is that he was made to stand at attention for 7 hours at a time, for minor breaches of discipline. This punishment was inflicted two or three times. As a result of this treatment, claimant still suffers pains through his shoulders and down his back, which incapacitates him in his vocation of farmer.

The medical record indicates that claimant suffers "pain and slight loss of function right shoulder and arm. Pain in lumbar region." His percentage of disability is stated at 10 per cent. Dr. L. C. Stewart, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show no disability resulting from service.

Claimant is slightly disabled, but I do not consider that he has succeeded in showing that this disability results from maltreatment whilst a prisoner of war. There may be many explanations for claimant's weakened shoulder and back and it does not necessarily follow, from a recital of his experiences in Germany, that the inception of his trouble arose there. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2173—JOHN McKINNEY

The claimant was a Lance Corporal in the 7th Battalion—Regimental number 16917. He enlisted in August 1914 at the age of 34 years, although, on attestation, his age would appear to have been 30. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was released to Holland in September 1918 and repatriated to England November 23 of that year. He is not in receipt of pension. He was married June 7, 1926, and has one child. Prior to enlistment, he was employed in Railway construction at \$36 per week, and since his discharge has been with the Imperial Oil Company, at Vancouver, at \$36 per week and at present is employed as a labourer earning \$4 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being beaten and having his nose broken for refusing to join with the Germans in the formation of an Irish Brigade. Also had cash and jewellery taken from him to the value of \$800. He now suffers from catarrh, stomach trouble, and deafness as a result of having had his nose broken.

An analysis of the evidence reveals:—

The claim is confined to one particular act of maltreatment. After his capture claimant was taken to Giessen camp, thence to Lembush. With other Irish prisoners, he was invited to join the battalion being recruited by Sir Roger Casement. For refusing, he was beaten by the guards and alleges that he was knocked down, hit on the nose with the butt of a rifle, had three teeth knocked out and his nose broken. His appearance indicates an injury to the nose. In addition claimant alleges that personal property—rings and jewellery was taken from him by his captors and has never been returned. He places a value upon these effects of \$800.

The medical record indicates that claimant has been treated for stomach trouble and catarrh of the nose. The affidavit of Dr. F. W. Lees indicates an old fracture of the nose with great deviation of septum, left side, and absence of lower incisor teeth. No percentage of disability is stated. This condition is borne out by certificate of Dr. C. R. Symmes, who has treated claimant for catarrh, but neither of these medical men testified before the Commission. Claimants last medical board, upon his discharge, declares him to be fit, with no indication of any injury.

Claimant bears very clear marks of an injury to his nose, and I have no reason to doubt the accuracy of his testimony as to how this occurred. There is evidence in other files, of the brutal treatment given prisoners who refused

to join the "Irish Brigade". The medical evidence supporting the claim to disability resulting from the injury is not strong but, I consider that I am justified in finding that claimant was subjected to maltreatment whilst a prisoner of war which has resulted in some disability to him. The claim for loss of personal effects fails for want of substantiation. Some corroboration is required in such a case. Viewing all the circumstances, I would recommend a payment to claimant of \$500 with interest thereon, at the rate of 5 per cent per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2176—GEORGE HARVEY

The claimant was an Imperial soldier who came to Canada to reside April 26, 1927. He enlisted December 11, 1915, and was called for service August 31, 1917, in the Yorkshire Regiment—Regimental number 35763. He was then 24 years of age and married. He now has eleven children. He was taken prisoner May 27, 1918, at Amiens, unwounded. He was repatriated to England November 24, 1918. He is not in receipt of a pension. Prior to enlistment, he was employed as a car man in the old country, earning £4 per week and is now engaged as a blacksmith's helper at about \$110 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of hard labour and starvation diet resulting in lung trouble and nervous condition. When he appeared before me at Montreal May 21, 1931, I explained to him that as he did not come to Canada until 1927, this Commission could not entertain the claim for want of jurisdiction.

Upon further consideration, the view so expressed at the hearing is confirmed. As explained in my general report, it is only in cases in which claimant became resident in Canada prior to January 20, 1920, date of the ratification of the Treaty of Versailles, that this Commission has authority to act. In these circumstances, reserving to claimant whatever recourses he may have and without deciding the case upon its merits, I am compelled to disallow it before this Commission.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 2177—CAPTAIN HESKETT ST. JOHN BIGGS

The claimant was a Captain in the 29th Battalion. He enlisted on November 3, 1914, at the age of 23, and received his commission later. He was taken prisoner April 9, 1916, at St. Eloi, suffering from a bayonet wound in the left leg. He was repatriated to England on November 18, 1918. He is in receipt of a 100 per cent disability pension amounting to \$145.33 per month, based on tuberculosis. He was married on November 28, 1914, and has three children. Prior to enlistment, he was employed as an audit clerk, at a salary of \$100 per month. Almost immediately following his discharge from the army he was employed for a period of four months with the Employers Association, in Vancouver, at a salary of \$100 per month and commission, but has ever since been unemployed and undergoing medical treatment and hospitalization.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. His complaint is that lack of proper food is principally responsible for his present condition of health, and he also states that living conditions generally were bad, and unsanitary.

An analysis of the evidence reveals:—

This is a distressing case. Claimant is in receipt of a 100 per cent pension for tuberculosis. He was wounded in the thigh when captured and after passing through Thielt, where he remained for three weeks, was sent to the following camps: Bischofswerda, Crefeld, Strohenmoor (sic) and Holzminden. As an officer he was not compelled to work, nor does he complain of any acts of particular brutality. His complaint is confined to inadequate and poor food, improper accommodation which induced the illness from which he now suffers.

The medical record indicates that claimant suffers from tuberculosis. He went to California some years ago for the benefit of his health, and has been in the care of Dr. Scott D. Gleeten, of Moravia, Cal., for some 7 years, who certifies that he has been wholly incapacitated for the greater part of that time.

From the file it would appear that claimant considers an award should be made as an adjunct to his pension. He does not appear to appreciate that reparation and pension are two very distinct matters. From the record, I cannot find that claimant was subjected to any particular form of maltreatment whilst a prisoner of war. He underwent the general conditions prevailing in prison camps throughout Germany, which were bad, but, as stated in general Opinion annexed to the present report, these cannot constitute the basis of a claim for disability resulting from maltreatment. Claimant's health, evidently, was not robust enough to withstand the strain of his imprisonment, but this weakness can hardly be charged to the enemy. His recourse is before the Board of Pension Commissioners, which appears to have dealt fully with his case. His claim, before this Commission, must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2178—GEORGE AITHIE

The claimant was a Private in the 15th Battalion—Regimental number 47317. He enlisted in September, 1914, at the age of 36 years. He was taken prisoner April 24, 1915, at Ypres. He states that, when captured, he was suffering from a wound in the right eye, and was also gassed, but the military record states that he was not wounded. He was released to Switzerland in December, 1917, and repatriated to England December 19, 1918. The Military records state that he is in receipt of a disability pension, based on defective vision, but the claimant denies that he has received any pension whatever. He states, however, that about October, 1930, he applied for a pension, on the ground of loss of sight and general disability. Prior to enlistment, he was employed as a lineman by the Bell Telephone Co., at a rate of pay of \$2.25 per day and board, and since his discharge has been employed in the lumber camps in B.C. He was unemployed at the time of the hearing.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He states that he suffered loss of teeth, and also contracted swollen legs and ankles whilst working in a mine. He also complains that he was struck in the jaw by a German Officer, and that in the fall he hit a steel car and injured his neck. He alleges that by reason of this treatment he suffers from dizziness and headaches.

An analysis of the evidence reveals:

Claimant declares that he lost the sight of his right eye, when wounded before he was captured, and would not submit to an operation in Germany fearing the treatment he might receive. He was taken to Gottingen camp, and has no complaint of his treatment there. Transferred to Hameln, he was sent to a punishment mine (unnamed) in 1917, where he remained until released to Switzerland in that year. He complains that he was struck in the jaw by a German Officer for not working satisfactorily and fell against a car from the blow, becoming unconscious. It was then that he was released to Switzerland. He also complains that he suffered from swollen legs which he ascribes to working in the mine.

No medical evidence has been adduced or filed of record, outside of claimant's pension files. He is declared to be suffering from "defective vision, due to conditions of active service and prisoner of war." It should be noted that while claimant's record shows that he is in receipt of pension, he declares that he has not received same.

It seems clear from the record that the injury to claimant's eye occurred before he was captured, and there is nothing to establish that it became aggravated as a result of any maltreatment whilst a prisoner of war. Nor does the record establish any disability resulting to claimant from the blow to which he refers. In these circumstances no award can be made to claimant, and his claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 2179—ROBERT SIMONS

The claimant was a Private in the 15th Battalion—Regimental number 27542. He enlisted in August, 1914, at the age of 28 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from a touch of gas. He was repatriated to England January 1, 1919. He is in receipt of a 15 per cent disability pension, amounting to \$15 per month for himself and his wife, based on neurasthenia. Prior to enlistment, he was employed as a boiler-maker earning \$2,500 per annum and since his discharge he has been employed at intermittent day labour. He was married April 21, 1922, and has no children.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in the salt mines for two and one-half years, was beaten and abused, injured in the hand, suffered from boils, received no treatment and generally abused.

An analysis of the evidence reveals:

Claimant was one of the unfortunate prisoners who experienced the German salt mines. We are not as familiar with the mine to which he was sent, Vogelbeck (parent camp Hameln) as we are with some of the others, but the conditions related are very similar. Claimant suffered intensely from boils, but was compelled to continue working—at one time he had as many as twenty boils. The third finger of his left hand became infected and so cruel was the medical treatment given him—just a blow to break the inflammation—that the tendon was injured and the finger has become permanently disabled. Claimant was also in Gottingen and Hameln camps, but stresses chiefly his treatment in the salt mine referred to as the basis of his claim of maltreatment. He received beatings, was confined to cells for an attempted escape, also received a thrashing. He complains chiefly of his disabled finger and speaks also of his nerves.

The medical record indicates that claimant suffers loss of flexion left third finger, extreme nervous instability, restless sleeping and recurring severe dysentery. His percentage of disability is unstated in his own calling and at 50 per cent in the general labour market. Dr. H. C. Graham, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show disordered heart action and debility, for which he is in receipt of a pension. The injury to the finger is noted as constituting a weakness. Claimant's testimony is substantially borne out by the information in his medical files.

The fact of maltreatment whilst a prisoner of war with resultant disability—to claimant's finger—is clearly proven. In these circumstances claimant has established the necessary elements to entitle him to an award. Viewing all the facts, and particularly bearing in mind that claimant spent over two years in the salt mines, I would recommend a payment to him of \$800, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 2181—ROBERT HAMMON (Deceased)

Claim is presented on behalf of Mrs. E. Parr, half sister of the above deceased soldier, who died at the Laurentian Sanatorium, at St. Agathe des Monts, on April 29, 1922. It appears from the record that the deceased was discharged from the army on March 21, 1919. He had enlisted in August, 1914, with the 13th Battalion—Regimental number 24262, at the age of 26 years. He was taken prisoner on April 19, 1916, unwounded. He was repatriated to England on December 15, 1919. The foregoing information is taken from his files.

The only evidence adduced before the Commission was the testimony of a son of the claimant, James Robert Parr, who could furnish no particulars of the treatment received by the deceased in Germany. It is inferred that he contracted tuberculosis whilst a prisoner of war, and the claim is apparently put forward on the ground of dependency.

It is obvious that a claim for dependency cannot lie in the circumstances, even had dependency been established. Claim for maltreatment is personal to the victim and is not transmitted to his heirs. In the second place, there is nothing to establish maltreatment, nor does it necessarily follow that the disease from which deceased died results from the experiences he may have undergone during his period of captivity. The deceased's medical files show that he was suffering from tuberculosis of the lungs, the date of origin being given as September 11, 1919, the place of origin, Canada.

In these circumstances, there is nothing in the record to justify a finding in claimant's favour and the claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 2182—HARRY MELLOWDEW MITTON

The claimant was a signaller Corporal in the 1st C.M.R.—Regimental number 108393. He enlisted in January, 1915, at the age of 36 years. He was taken prisoner June 2, 1916, at Sanctuary Wood, wounded through the lung and in the knee. He was sent to Holland in April, 1918, and repatriated to England on November 18, 1918. He is in receipt of a disability pension, amounting to \$20 per month, including allowance for wife, based on "defective vision." He is married, with three grown-up children. Prior to enlistment, he was employed as salesman for a Company, dealer in real estate, and Church Organist, earning in all about \$3,000 per annum. Since his discharge he has been variously employed, and is now working for the Industries Institute, Toronto, at about \$40 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that as a result of informing a representative of the Dutch Ambassador of the conditions which existed at a certain camp, he was sent away to a punishment camp and there given restricted rations. He alleges a nervous condition which prevents him from performing any sustained mental work.

An analysis of the evidence reveals:

Claimant lay for four days between the trenches before being picked up by German stretcher bearers. He had been wounded through the lung and had some shrapnel in his knee and leg, with an injury to the back of his head. He received hospitalization in Field Dressing Station at Menin, Courtrai hospital in Belgium and at Aachen. He speaks of the treatment as excellent and has no complaint to offer in respect thereto. He even makes the declaration that he, at least, received better treatment than the Germans themselves. When discharged from hospital he was sent to Friedrichsfeld where he remained until the fall of 1917. At this camp claimant acquired some notoriety as advocate before the courts-martial and represented a number of Canadian and British prisoners with great success. This success aroused the animosity of one of the camp officers who warned him that, if he continued in his work of defending British prisoners, he would be punished. Claimant also was authorized to carry on a school for prisoners at this camp. Finally, towards the end of 1917, as a result of claimant furnishing the Dutch Ambassador with a statement of abuses existing in camp, he was ordered to leave the camp and was sent to Hestenmoor, a punishment camp, where the conditions were the reverse of what he had been accustomed to up to that time. He was not subjected to any physical abuse, but complains that the lack of food, cold and general exposure was such that it reacted unfavourably upon his health. He attributes this change in his condition to the private vindictiveness of the officer at Friedrichsfeld who had threatened him. As a result of these experiences he has developed a nervous condition which still affects him. He makes no complaint about his eyes, in regard to which he is in receipt of pension, but alleges that upon attempting any heavy mental work he breaks down and is unable to carry on.

The medical record indicates that claimant has a marked susceptibility to nervous breakdowns, is very susceptible to infection, suffers from bronchitis and increasing amblyopia. His percentage of disability is stated at 40 per cent in his own calling and at 30 per cent in the general labour market. Dr. Jacob C. Schwartz, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show only the condition of defective vision, all other systems being declared normal.

While it is evident from claimant's statement that the disabilities of which he now complains are nutritional in origin, I consider that he has been successful in showing such a degree of mental ill treatment, deliberately imposed, as will entitle him to an award on the ground of "maltreatment". To a man of his intelligence, it was outrageous that he should receive punishment for successfully performing a duty with which he had been entrusted and the effect upon his health is marked. Viewing all the circumstances, I would, accordingly, recommend a payment to claimant of \$800, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2184—CECIL HURST BULLOCK

The claimant was a Corporal in the 16th Battalion—Regimental number 29074. He enlisted in August, 1914, at the age of 29 years. His attestation paper indicates the age as 26 on enlistment. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound in the right leg and two scalp wounds. He was repatriated to England, January 6, 1919. He is in receipt of a 10 per cent disability pension amounting to \$11.50 per month for himself and family, based on the wound to his leg. He was married in April, 1919, and has one child. Prior to enlistment, he was employed in the distribution office, earning \$75 per month, and since his discharge has not been able to do much and is still receiving hospital treatment from the D.S.C.R.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that, being an N.C.O. and exempt from work he, with others, refused to volunteer for work and as a punishment was sent to an exercise camp at Grossenweidenmoor, where they were compelled to run 335 paces round and round. His leg was still discharging while undergoing this treatment and he was beaten when he could not keep up with the rank, even though he was limping. Finally he volunteered to work and was put at carrying 176 pints of milk with yoke around the neck, apparently as a daily task. This continued for one year. His leg would break out periodically after rough treatment, and septic poisoning set in. Owing to this treatment he still suffers with his leg and is unable to work steadily. He was beaten and imprisoned for 14 days after an attempt to escape.

An analysis of the evidence reveals:

The foregoing summary of the statement of claim is borne out by claimant's testimony. It is significant, however, that while he complains that punishment, exercise and work contributed to the disabled leg condition from which he suffers, it is chiefly the monotony of camp life which he speaks of in his testimony. This can hardly be regarded as maltreatment.

Claimant brought forward no medical evidence and relies wholly upon his pension file to show the extent of his disability. This record indicates a gunshot wound in right leg. Claimant himself in describing the wound says the calf "muscles were shot off". He does not complain of lack of medical treatment, but of the exercise imposed as a punishment at Grossenweidenmoor when his leg was still unhealed.

I am inclined to regard this case as one solely for the Board of Pension Commissioners. While painful and distressing, the treatment received has not, as far as I can see, been shown to have been likely to aggravate the original service wound sustained by claimant, and to have caused him any greater disability than he would otherwise have had. I am of opinion that the claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2185—HARRY H. HOWLAND

The claimant was a Private in the 7th Battalion—Regimental number 16903. He enlisted in August, 1914, at the age of 25 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering slightly from gas. He was repatriated to England December 27, 1919. He is not in receipt of pension, nor has he applied therefor. He was married April 15, 1921, and has one child. Prior to enlistment, he was employed as a painter and decorator, earning approximately \$800 per annum, and since his discharge has followed the same trade, averaging about \$1,250 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of wrongful imprisonment and a sentence of 12 years by Military Court Martial at Hanover, of beatings and general abuse in numerous camps and a broken nose resulting from a blow.

An analysis of the evidence reveals:

Claimant has had a wide experience of German prison camps. The record shows that he was at Giessen, Celle-lager, Vehnemoor, Ostenholzer, Bokelah, Cologne jail, Luneberg, Saltau, Wilhelmshaven and Baden. It is of his treatment at Bokelah and Cologne that he chiefly complains. At the former camp he was one of a party of prisoners involved in a so-called mutiny. For refusing to obey the orders of the Sergeant-Major in charge, and demanding to see the camp commandant, the guards, under orders, charged with fixed bayonets, killing one man and injuring several others. Claimant himself, in the disorder which ensued, was struck over the nose, breaking it. These prisoners were tried by Court Martial and sentenced to long terms of imprisonment—as long as 10 years being imposed. Claimant complains bitterly of the unfairness of this trial, describing it as a farce. The prisoners were represented and a member of the American Embassy was present. I am not concerned with the merits of the case as conducted before the court martial, but it results, from the report of the trial, filed of record, that the American representative found the offence clearly established. To say the least there had been a serious disobedience of orders, and I cannot say, from claimant's own statement, that the finding of the court was wholly unjustified. Claimant's demeanor before this Commission was truculent and defiant and was not such as to arouse sympathy, but rather created the impression that he was not only capable of inciting hostility but did arouse the active enmity of his captors. He served ten months of his sentence in Cologne jail, under conditions of severity and brutality which can only be explained by claimant's probable attitude to his captors. Be this as it may, I am convinced that claimant, however truculent he may have been, received punishment beyond his deserts, which cannot be justified. He declares that his health has been ruined as a result of these experiences and complains chiefly of his stomach condition.

The medical evidence is very scant and consists merely of the certificate of Dr. W. Ewing, indicating that claimant suffers from a fractured nose and dyspepsia. His percentage of disability is stated at from 10 to 15 per cent in his own calling and at 30 to 40 per cent in the general labour market. The medical report of claimant's examination, upon discharge from the service, shows no disability.

In this state of the record I have had some difficulty in reaching a conclusion, but on the whole, the recital of claimant's experiences at Bokelah camp leaves me with the conviction that he was subjected to maltreatment whilst a prisoner of war which has resulted in some disability to him—the injury to his nose is clearly such. I would, accordingly, recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 3, 1931.

CASE 2186—DUDLEY CHARLES DURRANT

The claimant was a Private in the 29th Battalion—Regimental number 75640. He enlisted December 22, 1914, at the age of 20 years. He was taken prisoner April 19, 1916, at St. Eloi, suffering from shrapnel wounds. He was repatriated to England November 18, 1918. He is not in receipt of pension. He was married June 29, 1921, and has one child. Prior to enlistment, he was articled as a law student at a salary of \$75 per month, and since his discharge has been practising his profession.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was shot in the knee by a German sentry without justification and was arrested and placed in hospital under guard for one month.

An analysis of the evidence reveals:—

Claimant spent the period of his captivity at Giessen camp and surrounding commandos. His chief complaint relates to an accident which occurred at Gelhert. He failed to understand an order given by the sentry in German. The latter drew his revolver and shot claimant in the knee. He was removed to Giessen, where he remained in cells for 75 days awaiting a Court Martial upon a charge laid by the sentry. Eventually he was tried at Frankfort, acquitted, and sent back to Giessen. Suffering from his knee he was finally operated on in January, 1917, and the bullet extracted. This incident is to a certain extent corroborated by fellow prisoners, who saw claimant immediately after the occurrence. At a later date, at Geisweid Iron Works, claimant received a severe beating upon recapture after an attempted escape. Injured, he was confined in a wooden cupboard at night and compelled to resume work. This incident is corroborated by a fellow prisoner (Corker Case 2166) in lengthy statement made by him upon repatriation.

The medical record indicates that claimant suffers some disability from his knee. It is true that his medical history files declare that he suffers no disability from this source, but very complete evidence has been furnished before this Commission which I must accept. Dr. H. C. Powell examined claimant carefully, with the aid of an X-ray examination and declares specifically that the wound in the knee has left a definite disability. The X-ray plates

show a number of minute metallic specks present in the knee. In addition a small bony spur is seen projecting upward from the articular surface of the upper end of the tibia at its outer anterior part. This spur is smooth. In other respects the knee appears to be normal.

In these circumstances, I have reached the conclusion that claimant was subjected to maltreatment whilst a prisoner of war from which he still suffers a disability. Having regard to the particular circumstances of the incident related, I would recommend a payment to claimant of \$800, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, November 28, 1931.

CASE 2187—CAMPBELL JOHN BELL

The claimant was a Private in the 29th Battalion—Regimental number 75566. He enlisted on November 12, 1914, at the age of 28. He was taken prisoner April 19, 1916, suffering from a gunshot wound in the left ankle (slight), concussion and crushing of the left side. He was exchanged to Switzerland in the Fall of 1917, and repatriated to England on March 25, 1918. He is in receipt of a 100 per cent disability pension, based on "Myocarditis." He was unmarried on enlistment, but married after his discharge from the army, and has two children. Prior to his enlistment, he was a broker, and since his discharge he has been in the employ of the North American Life Assurance Co. For several years his earnings were good, some \$4,000 to \$5,000 per annum, but by reason of ill-health his earning capacity has since decreased, until at the present time he is living on premium renewals only.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He states that he suffers from heart trouble, poor circulation, chronic bronchitis, and colds nearly nine months of the year, and alleges that this condition was induced by inattention on the part of the German medical authorities, being compelled to work while unfit to do so, and general maltreatment. He states also that some eighteen months ago he suffered a fall, as a result of which he has lost his right eye, and he attributes this fall to his condition of health.

An analysis of the evidence reveals:—

Claimant, severely wounded, was taken to Thielt and eventually to Giessen. He received no attention for his wounds, and notwithstanding his protests of ill-health, was sent out on a working party to Giesweid Iron Works. Suffering from his heart, the work of shovelling ashes in a boiler pit aggravated his condition. In the Fall of 1916 he attempted to escape, was recaptured and badly beaten by the guards. He was compelled to continue work and did 14 days solitary confinement. Claimant was next sent to Huesten, where, from heavy work, cold, and inadequate clothing he developed a heavy cold. Refused medical attention, he was forced back to work. Claimant spent some time at Hersbach and Welzlar, and complains generally of rough treatment and no attention paid to his request for medical care. Later claimant was at Limburg, Mamslau (sic) and Grenzhäusen, and complains of the food and general conditions. Another attempted escape was unsuccessful, and shortly thereafter claimant was released. He complains chiefly that the heavy work he was compelled to do in his weakened state aggravated the condition of his heart. He admits that the origin of this

trouble was the crushing he received before capture, but contends that had he received proper care and treatment he would not now be almost totally incapacitated.

The medical record, from his pension file, indicates that claimant suffers from myocarditis which first became apparent shortly after he had been wounded.

It is beyond question that claimant has suffered a very considerable impairment of health, part of which is directly traceable to service wounds, but some of which I consider has resulted from maltreatment whilst a prisoner of war. Claimant was a robust healthy man in appearance and his appeals for relief on the grounds of illness were not taken seriously by his captors. They evidently thought he was shamming. In the work he was made to do and the general rough handling he received in his then condition, I consider that he sustained damage. Viewing the whole case, I would recommend a payment to claimant of \$700, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 2188—CAPTAIN VICTOR ALEXANDER MacLEAN

The claimant was a Lieutenant in the 16th Canadian Scottish Battalion. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering with a bullet wound in the right buttock. He was repatriated to England, November 16, 1918. He is not in receipt of pension. He is married and has two children. Prior to enlistment, he was an accountant earning \$90 per month, and since his discharge has been employed in the wholesale grocery business, at a salary of \$250 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of his treatment after capture by the guards, alleging that he was prodded with bayonets and man-handled and kicked by the commandant at Roulers, that he was sent twice to hospital to have the bullet removed, but owing to over-crowding by German wounded, was returned to prison camp, that he developed quinsy and bad throat; was operated upon without anaesthetic at the camp hospital with rusty instruments and has suffered with throat trouble ever since and has had several throat operations, nose operation and also the ears, all due to the careless and faulty operation performed in the German prison camp.

An analysis of the evidence reveals:—

Claimant confines his claim to gross medical carelessness in operating upon his throat, during an attack of quinsy, while a prisoner at Strohen prison camp. He makes no complaint of lack of medical treatment for the wound in his hip from which he was suffering when captured, nor for the rough and callous treatment accorded him while being taken back from the German lines, wounded and a prisoner. He alleges that he was taken with double quinsy at Strohen and was operated upon with unsterilized instruments without anaesthetic, which has left his throat in a seriously impaired condition, from which he still suffers and in respect whereof he has undergone several operations since his return to Canada.

The medical record indicates that claimant has suffered from his throat since 1919. Dr. G. E. Gillies certifies that the tonsil on the right side shows a deep furrow running longitudinally in it and a lesser furrow in the left tonsil. Dr. Colin Graham was called to see claimant in October, 1927, and found him suffering from an abscess on the inside of throat which was opened two or three times during the next week. From the appearance of claimant's throat, Dr. Graham draws the conclusion that the original operation was not properly performed and that an infection had then been set up. He is of opinion that had claimant received proper attention at the time of the first attack, this would have prevented the pus from burrowing along the neck and forming a pocket which has been the cause of subsequent attacks.

I see no reason whatever to doubt claimant's statement as to the origin of this trouble. I was in some doubt as to whether, at this late date, it could be declared that the original operation had not been properly performed, but upon reconsideration, I conclude that I cannot disregard the very clear statement of opinion by Dr. Graham. Such gross carelessness by the German physician is unjustifiable and cannot be set down to mere lack of judgment. I am of opinion that claimant suffers a present disability due to this act of carelessness and malpractice whilst a prisoner of war. Viewing all the circumstances, I would accordingly, recommend a payment to claimant of \$1,000, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 2189—WILLIAM J. H. WOODWARD

The claimant was a Private in the Royal Canadian Dragoons—Regimental No. 552847. He enlisted on January 7, 1916, at the age of about 30 years. He was taken prisoner March 26, 1918, near St. Quentin, suffering from gunshot wounds in the left foot and right arm. He was repatriated to England on January 24, 1919. He is in receipt of pension, amounting to \$70 per month, based on "gunshot wounds in right arm and left foot." He was married on April 6, 1921, but has no children. Prior to enlistment, he was a Flour Shipper earning \$1,200 per annum, and for the last 6 years he has been engaged as a Salesman, at a salary of \$1,920 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of proper attention to his wounded arm and foot, and that such attention as was given was of an improper and brutal nature, by reason of which he was caused great suffering.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 9 months and was in hospital all the time. He does not complain of maltreatment other than rough and brutal medical attention to his wounds. His wounds were first attended at a dressing station shortly after capture. He was then removed to an unnamed temporary hospital, in a shed, where he declares he was kept for 7 weeks, receiving practically no medical care except the application of peroxide to his wounds. Later taken into Bavaria, he was operated upon without anaesthetic and complains generally of the cruel treatment of the surgeons and attendants. His arm becoming inflamed, the surgeon in charge opened and probed the arm

without anaesthetic and with no regard for claimant's suffering. He declares that 28 pieces of bone were removed from his foot. His complaint is confined to this treatment, as a result whereof, inferentially, claimant suffers a disability which he might not have sustained had he been properly treated.

The only medical evidence of record is contained in claimant's pension file. The disability to claimant's arm and foot is clear, but I am unable to find in claimant's testimony substantiation for the contention that such disability results from maltreatment whilst a prisoner of war. He was treated by the Germans, in fact, on his own statement, the treatment was quite extensive. That it was not as effective or considerate as claimant might have desired cannot be regarded as maltreatment. It must be borne in mind that, at that time, in Germany, facilities for hospitalization were of necessity very inadequate. Viewing all the circumstances of the case, I am of opinion that claimant has failed to make out a case of disability resulting from maltreatment whilst a prisoner of war. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

*** CASE 2190—ARCHIBALD J. V. WALLACE**

The claimant was a Private in the 13th Battalion—Regimental number 24461. He enlisted in September, 1914, at the age of 26 years. He was taken prisoner April 22, 1915, at the second battle of Ypres, unwounded, but slightly gassed. He was repatriated to England on December 31, 1918. He is in receipt of pension, amounting to \$11.25 per month, based on "bayonet wound left arm, neurasthenia." Prior to enlistment, he was a Rigger in Lumber Camps, earning \$125 per month, but since his discharge has been dependent upon odd jobs for a living.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that without having given any provocation, he was bayoneted in the left arm by a German guard, as a result of which he is unable to carry on his pre-war occupation. He also complains of beatings.

An analysis of the evidence reveals:—

Claimant has established by his own testimony, supported by the affidavit of a fellow prisoner, that he was unwounded when captured. He is now disabled in the left arm, due to a bayonet wound. He declares that he received this injury when on a working party out of Hameln camp. For not responding to a summons to work, he was set upon by the guard who ran him through the arm with his bayonet. He received no medical attention for the wound and was kept on light work. His statement as to what occurred is confused, but he contends that the attack in question was entirely without provocation. Later he tells of being badly beaten because he was fighting with another prisoner, and apparently claimant became known as a troublesome character and was roughly treated. In the salt mines, he was beaten during the course of a scuffle with guards.

The medical record is silent as to claimant's condition, but his medical history files indicate that he is in receipt of pension for bayonet wound in left arm and neurasthenia. The history would show that he received this wound at the time he engaged in the fight with another prisoner, which does not agree with the statement made before this Commission.

In this state of the record it is not without difficulty that I arrive at the conclusion that claimant's story, confused as it is, is probably true. At all events I am inclined to give him the benefit of the doubt and to find that he was in fact subjected to maltreatment whilst a prisoner of war with some resultant disability. I would recommend accordingly, a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, November 30, 1931.

CASE 2191—WALTER SUGDEN

The claimant was a Private in the 7th Battalion—Regimental number 16701. He enlisted in August, 1914, at the age of 32 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England December 31, 1918. He was in receipt of a pension of 10 per cent, which he states was commuted in November, 1920. This was based on debility and amounted to \$11.25 per month. He was married January 9, 1919, and has two children. Prior to enlistment, he was employed as a Cement Finisher earning \$5 per day and upwards, and since his discharge he has been employed as an hospital orderly at \$100 per month, and a letter-carrier, at \$120 per month.

He alleges that while a prisoner, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having to work in the salt mines, was beaten while sick and made to work, suffered from starvation and general abuse.

An analysis of the evidence reveals:—

After a sojourn at Giessen camp where claimant was beaten by the guards he then had the misfortune to be sent to the salt mines near Vienenburgt (sic), where he remained for about a year and a half. He tells the familiar story of brutality and ill treatment told by all prisoners who spent their captivity in the salt mines. Beaten by the guards, underfed and overworked, his health rapidly deteriorated, so that it is not surprising to find that his condition showed disablement upon and after repatriation. The sequence of events related by claimant is somewhat confused, but the testimony of maltreatment may, I consider, be accepted as substantially correct. On one occasion for passing a remark upon the alleged drowning of Lord Kitchener, claimant was unmercifully beaten, and was confined to barracks for a week as a result thereof. His head was split open and his shoulder bruised.

The medical record indicates that claimant is underweight and suffers from neurasthenia. His percentage of disability is not stated, but his pension record confirms the fact of disablement. Claimant was in receipt of a pension for debility. Dr. M. Fox, who furnished a certificate as to claimant's condition, did not appear before the Commission.

Maltreatment with resultant disability has been established in this case. Having regard to the general observations contained in Opinion annexed to the present report, particularly as to the conditions in the salt mines, I am of opinion that claimant is entitled to an award. Viewing all the circumstances I would recommend a payment to claimant of \$600, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 3, 1931.

CASE 2192—CHARLES ERNEST DAVIES

The claimant was a Private in the 29th Battalion,—Regimental No. 76238. He enlisted in 1914 at the age of 27 years. He was taken prisoner April 19, 1916, at St. Eloi, suffering from wound in the left hand. He was repatriated to England December 9, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$21 per month, based on debility to left forearm and limited movement of the index and middle fingers. He is married and has three children. Prior to enlistment, he was employed as a Draughtsman with the C.P.R. and as a railway fireman, earning \$150 per month, and since his discharge he has been employed with the Canadian Customs, at a salary of \$110 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was beaten, kicked and abused without provocation except that he tried to escape.

An analysis of the evidence reveals:—

Claimant has no complaint as to the treatment of his wounds after capture. He was treated at Courtrai, Hanover and Hameln. His period of captivity was spent attached to Hameln camp, until he was transferred to Switzerland. He complains that for an attempted escape from a cement factory where he had been sent to work he was badly beaten by the sentries and kicked in the stomach. When finally he returned to camp he was again beaten and hit in the mouth with the hilt of a bayonet, breaking two teeth. On another occasion he declares that cement was thrown in his eyes, and as a result his vision is defective. He also served three weeks in solitary confinement for refusing to disclose where he had got a map which was found on him when recaptured. In corroboration of his statements, claimant files the affidavit of John Spiers, a fellow prisoner at Hameln, who declares that he saw claimant immediately after the beating above referred to and that he was suffering from injuries to his eyes, face and head, which were then wrapped in bandages. He also says that claimant then told him of the treatment he had received.

The medical record indicates that claimant suffers from chronic conjunctivitis, defective vision, abdominal pains, missing and broken teeth, and bears the marks of a cut on the lower lip. His percentage of disability is declared at 50 per cent. Dr. Colin McDiarmid, who certifies to the foregoing information, did not appear before the Commission. His certificate adds that claimant suffers from general debility, chronic bronchitis and is 30 pounds under weight. The Pension files report only a disability of the left forearm and fingers for which injuries claimant is in receipt of pension. Medical Board of December 11, 1920, refers to the hand and arm condition and declares claimant to be suffering from the usual nervous disorders noticed in many returned prisoners of war. There is no mention in any of the medical records of an eye or stomach condition, other than the statement of Dr. McDiarmid above referred to. It would have been desirable to hear Dr. McDiarmid as a witness.

In this state of the record it is extremely difficult to say what particular acts of maltreatment have resulted in disability to claimant. The injury to his arm was purely a service condition and has been dealt with. As to his remaining complaints, after very careful consideration of the evidence, I have reached the conclusion that the punishment meted out to claimant for attempted escape went beyond reasonable bounds, and that he has sustained some disability as a result of this treatment. I would, accordingly, recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 2193—WALKER KILBY

The claimant was with the Second Tunnelling Company,—Regimental No. 503331. It appears from the record that shortly before his capture by the enemy he had been promoted to the rank of Corporal, but that the promotion had not been officially confirmed. He enlisted on January 5, 1916, at the age of 25. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England on November 28, 1918. He is not in receipt of a disability pension and has not applied therefor. He is married and has four children. Prior to enlistment, he had been employed by a firm of florists, as a truck driver, at a salary of \$1,400 per annum. After his discharge he was again employed by the florists for one year. He then worked for the Corporation of Point Grey, B.C., until 1929, as a part time labourer, at the rate of pay of \$4 per day, and since 1929, he has been employed as an Inspector of sewers by the City of Vancouver, at an unstated salary.

He alleges that, while a prisoner of war, he was subjected to maltreatment which has resulted in pecuniary damage to him. He states that he suffers from nervous debility, loss of memory and occasional rheumatism and that by reason thereof he was compelled to give up what had appeared to be a permanent position with the firm of florists. He attributes this condition, generally, to unnecessary exposure, cruelty, reprisals, imprisonment in guard room, unsanitary living conditions, compulsory inoculations and confiscation of parcels.

An analysis of the evidence reveals:—

Unwounded when captured, claimant was first taken to Dulmen camp. He has no complaint as to his treatment here. Removed to Prussich, and later Arys, he complains that he was knocked around and beaten for refusing to work, but claims no disability as resulting from these incidents. It appears that claimant had been promoted to the rank of corporal, but as this rank had not been confirmed, his captors would not recognize it as exempting claimant from work. For refusing to work when he considered he was not obligated to do so, he was given "still stand" punishment, i.e., standing at attention for long hours, and was also confined in cells. As a result of these experiences, he complains of the condition of his nerves, rheumatism and debility.

Claimant produces a statement from the florists mentioned to the effect that on his discharge from the army they re-instated him in his pre-war position with them, but that, owing to his condition, he was unable to give satisfactory service and they were obliged to dispense with him after he had worked from April, 1919, to March, 1920. They state that they believed his nervous system is upset.

The medical record indicates that claimant suffers from neurasthenia and neuritis. His percentage of disability is stated at 35 per cent. Dr. G. F. Curtis, who certifies to the foregoing, did not appear before the Commission. The medical record, upon discharge, does not show that claimant suffered from any disability.

From the foregoing review of the case put forward by claimant, I cannot say that disability resulting from maltreatment whilst a prisoner of war has been established. The mere fact of imprisonment, with rough but general treatment, is insufficient to found a claim. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2194—ANDREW ROSS PATON

The claimant was a Sapper with the 2nd Tunnelling Company, Canadian Engineers,—Regimental number 503431. He enlisted November 14, 1915, at the age of 36 years although in attestation he would appear to have been 31. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England November 18, 1918. He is in receipt of a 60 per cent disability pension, amounting to \$46 per month, based on chronic bronchial asthma. He was married September 30, 1920, and has one child. Prior to enlistment, he was employed as a coal miner, earning about \$1,500 per annum, and since his discharge has been employed as a janitor at about \$90 per month but had to abandon this work because of dizzy spells and sick stomach but still holds a janitor's position at \$40 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been forced to work in coal and salt mines, suffered from injurious inoculations, exposure, long hours of punishment, parades, kicks, beatings and starvation.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp where he remained from seven to nine weeks. He has no particular complaint of his treatment here, except as to the food and general rough handling. He was then sent to Muenster No. 2 and made to work in the coal mines—K-47—except for a period of three months, when he was working in salt mines (unnamed) his period of captivity was spent at Muenster No. 2 and the coal mines. For refusing to work he was made to stand to attention for long hours, beaten and exposed to the weather. He also speaks of being made to stand in front of the coke ovens as punishment. Inoculated nine times with a fluid which caused him pain in the chest, claimant attributes his bronchial condition to this treatment, which was aggravated by the long hours of enforced labour.

The medical record indicates that claimant suffers from bronchial asthma. His percentage of disability is stated at 75 per cent. Dr. R. F. Greer, who certifies to the foregoing, did not appear before the Commission, but has filed an additional certificate to the effect that claimant is quite unfit for general work, his condition being below par, his muscles soft and flabby, due to improper nerve supply. Claimant's pension record substantiates the condition noted.

The fact of disability is clearly established and the inference drawn in the pension file that the cause thereof originated in Germany is, I consider, sound. The evidence going to show the connexity between claimant's present condition and maltreatment whilst a prisoner of war is not very strong, but is sufficient to justify a finding in claimant's favour. Viewing all the circumstances, and, having regard to the pension which claimant is receiving, I would recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 2195—F. W. BREEDON

The claimant was a Private in the 4th C.M.R., drafted from the 48th Battalion—Regimental No. 403959. He enlisted on April 10, 1915, at the age of 35. He was taken prisoner June 2, 1916, suffering from shrapnel wounds in the back and shoulder. He was repatriated to England on December 10, 1918. He was in receipt of pension (amount not stated) until 1920, when he commuted

it. He is unmarried. Prior to enlistment, he was engaged as a clerk with the Bank of Montreal, at a salary of \$1,800 per annum. He was unemployed at the time of hearing.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He states that his wounds were left unattended for three weeks after his capture, also that he was sent to work in a mine before the wounds were healed, thus causing permanent injury to health and consequent diminution of earning capacity.

An analysis of the evidence reveals:—

Wounded, claimant lay on the field of battle for $2\frac{1}{2}$ days before being picked up by the Germans. While he complains of this, it is evident that the Germans were being heavily engaged and were not able immediately to attend their prisoners. Claimant was sent to Giessen camp, and then to an ore mine, where he was beaten for not working as desired. He complains of stomach trouble resulting from this beating. Later he was sent to work in another mine, where he was compelled to work in water for 6 weeks. His chief complaint is that the work was too hard and the food insufficient. He declares also that he was sent to work before his wounds had healed.

The medical record indicates that claimant suffers from myocarditis, endocarditis involving mitral valve, emphysema of lung, symptoms of duodenal ulcer, arthritis and gastro-intestinal condition. His percentage of disability is stated at 80 per cent in his own calling and at 10 per cent in the general labour market. The foregoing results from certificates of Dr. D. A. Dunbar, who, however, did not appear before the Commission to testify. The pension records indicate an impaired heart condition for which claimant originally received pension.

Outside the general complaint of lack of food and hard work, claimant has not shown any act of maltreatment which has resulted in disability to him. The general condition of prison camp life in Germany was unfavourable but in the absence of some evidence establishing the connexity between maltreatment and disability the claimant cannot succeed. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 10, 1931.

CASE 2196—JOSEPH FORTUNAT VILLENEUVE

The claimant was a Private in the 4th C.M.R.—Regimental number 113610. He enlisted January 14, 1915, at the age of 24 years. He was taken prisoner June 2, 1916, suffering from a slight gunshot wound in the right knee. He was repatriated to England December 14, 1918. He is not in receipt of pension but has an application pending. He was married in July, 1920, and has five children. Prior to enlistment, he was a railroad trainman, earning an average of \$144 per month, and he is now similarly employed, earning about \$1,800 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been struck on the left side of the head, confined to cells and court martialled. He now suffers continuous pains in the head and left side of the face and defective hearing in the left ear. He received no medical treatment while ill with the "Flu".

An analysis of the evidence reveals:

Claimant has no complaint to make until he was sent to Gutersloh camp, out of Celle-lager. Here he was beaten for interfering with a guard who was punishing another prisoner. Claimant seized the guard's rifle and the latter

seized a stick of wood and hit claimant over the side of the head. In the general melee which followed, claimant received a further beating. As a result of this blow on the head, the hearing in the left ear has been impaired. Claimant also suffers from rheumatism which he attributes to exposure and hard labour in this camp.

The medical record indicates that claimant suffers from headaches and slight deafness in left ear, together with pains in back and leg. His percentage of disability is not stated, but appears to be slight. Dr. Jno. Laframboise, who certifies to the foregoing, appeared before the Commission and spoke chiefly as to the headaches of which claimant complains.

The evidence is quite general, and, while I have no reason to doubt claimant's story of the blow on the head he received, I do not consider that he has proved any particular disability therefrom. His action in seeking to defend a comrade is commendable but was hardly prudent, and in the scuffle which ensued claimant must have expected to receive rough handling. I do not regard this as maltreatment in the sense of the reparation provisions of the Treaty of Versailles. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2197—ARTHUR DUROCHER

The claimant was a Private in the 4th C.M.R.—Regimental number 113198. He enlisted on July 1, 1915, at the age of 25 years. He was taken prisoner June 2, 1916, suffering from a wound in the left leg, left hand and a touch of gas. He was repatriated to England December 14, 1918. He is not in receipt of pension, but intends to apply therefor. He was married June 29, 1920, and has no children. Prior to enlistment, he was working in a lumber camp earning about \$50 per month and board, and since his discharge has been working repairing railroad cars, at seventy cents an hour for an eight-hour day.

He alleges that while a prisoner he was subjected to maltreatment, which has resulted in pecuniary damage to him. He complains that he was forced to work in a coal mine notwithstanding the wound in his leg, for which he received no medical attention, was punished and generally abused.

An analysis of the evidence reveals:

Claimant was taken to Dulmen camp, where he remained a month. He has no complaint as to his treatment here. Sent to a coal mine near Essen, he complains of the hard work and particularly that he was compelled to work before the wound in his leg had healed. He was here for 29 months, and was denied medical treatment. He speaks of abuse by the civilians in the mines, rocks being thrown at the prisoners. Claimant was not hit. For an attempted escape he was confined to cells. Apart from poor food conditions, claimant does not allege any other incidents of maltreatment. His legs and chest trouble him, the latter complaint being due to a strain received when lifting wagon. He speaks also of stomach disorders, which he describes to the poor food.

The medical record indicates that claimant bears a scar on his left leg from knee to ankle; signs of dry arthritis (knee joint) and suffers from bronchitis. His percentage of disability is stated at 35 per cent in his own calling and at 50 per cent in the general labour market. Dr. C. M. Boutin, who certifies to the foregoing, did not appear before the Commission but has furnished a further certificate detailing claimant's condition. The medical history files show that, upon discharge from the service, all systems were found normal.

The major disability of which claimant complains is the leg injury, which was of service origin. I do not consider that he has successfully shown that this injury became aggravated through lack of medical attention or maltreatment. The treatment he was compelled to undergo was general in nature but was imposed under such harsh and brutal conditions in the coal mines, as to which there is abundant evidence, that I am inclined to give claimant the benefit of the doubt and find that he has sustained some disability resulting from maltreatment. I would, accordingly, recommend payment to claimant of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2198—CHARLES WESTON SUTHERLAND

The claimant was a Sapper in No. 2 Tunnelling Co.—Regimental number 503447. He enlisted December 4, 1915, at the age of 41 years although his attestation paper indicates his age on enlistment as 37. He was taken prisoner June 2, 1916, unwounded. He was repatriated to England December 16, 1918. He is not in receipt of a pension, but has applied therefor. He was married February 20, 1920, and has one child. Prior to enlistment, he was employed as a miner earning \$5 per day, and since his discharge has been engaged as a hospital orderly, at \$60 per month, and as a janitor at the Vancouver Court House, at \$105 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of injuries received after capture to his hand and eyes, that he received no treatment therefor, was hit over the head resulting in injury and was generally abused.

An alaysis of the evidence reveals:

Before he had been removed from the field of combat, claimant received two injuries of which he complains. Upon emerging from a tunnel, and before he knew of the presence of the enemy, a German threw liquid gas in his face, injuring his eyes. Almost immediately thereafter, in protecting himself from the prod of a bayonet, his hand was wounded. He complains that no medical attention was given these injuries and that he still suffers from both wounds. Taken to Dulmen camp, and then to Stenhausen, he complains of being hit over the head and knocked unconscious, which he later explains resulted from his interference in the beating of another prisoner. To this blow claimant attributes pains in the head and lack of memory, both of which depreciate his earning ability. He also refers generally to a stomach condition, which causes him some discomfort.

The medical record is very general and refers to laceration of the scalp from blow over head—scar only evidence present, and lacerations of left hand. No percentage of disability is stated but claimant is declared to be unfit to follow his own calling. His medical board, upon discharge, shows nothing out of the ordinary.

I do not consider that claimant is entitled to claim in respect of wounds received by him upon the field of combat. This would be entirely a matter for the Board of Pension Commissioners. Claimant admits that the liquid gas was thrown in his face before he had surrendered. I have examined the evidence very carefully, and I cannot find that claimant has made out a case of disability resulting from maltreatment as a prisoner of war. The blow on

the head to which he refers, incurred whilst he was engaged in the very laudable effort of assisting another prisoner, may or may not have had the effect stated. The medical evidence is insufficient to base a finding that it had. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 9, 1931.

CASE 2199—PERCY ALBERT GOSELTINE

The claimant was a Private in the 7th Battalion—Regimental number 17126. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering slightly from gas. He was repatriated to England December 13, 1918. He is not in receipt of pension. He was married April 17, 1920, and has one child. Prior to enlistment, he was employed as a postal clerk at a salary of \$60 per month, and since his discharge has been engaged as a letter-carrier, at a salary ranging from \$85 to \$125 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of heavy work in a chemical factory and confinement to cells for asking for lighter work. He fell on a concrete floor and injured his spine, but was forced to continue work, was again confined and received no medical attention. He suffers particularly from stomach disorders, debility and headaches.

An analysis of the evidence reveals:

Claimant was first sent to Giessen camp, where he remained a couple of months and was then sent to work at a chemical factory, near Mannheim, where he was kept for duration of the war. He was employed at carrying heavy trays containing burnt copper ore. On one occasion he tripped and fell while carrying a tray and hit the base of his spine upon an iron rail. Although injured, he was compelled to continue work and was denied rest or medical attention. For refusing to work, he was put in cells with other prisoners and complains bitterly of the conditions. Apart from being pushed around with rifle butts, claimant does not complain of any particularly brutal treatment. Asked what his particular ailments are, he says that his stomach troubles him, that he has frequent headaches and is generally debilitated. He ascribes this condition to bad food, bad sanitary and living conditions and fumes from the copper ore.

The medical record indicates that claimant suffers from chronic indigestion, nausea and at times vomiting after meals, chronic headache, loss of weight, etc., etc. Dr. G. S. Purvis, who certifies to the foregoing, did not appear before the Commission, nor has he estimated the percentage of disability. It will be observed that although claimant complains of injury to his spine as the result of a fall, there is no proof that any disability resulted therefrom. The medical evidence, such as it is, is confined to digestive disturbances and myalgia. Claimant's medical history files declare that he suffers no disability.

In this state of the record, the necessary elements to a finding of maltreatment, whilst a prisoner of war, resulting in disability are absent. As explained in Opinion annexed to the present report, inadequate and poor food cannot be regarded, in itself, as maltreatment. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2200—THOMAS E. HOGARTH

The claimant was a Private in the 16th Battalion—Regimental number 29106. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, during the 2nd battle of Ypres, suffering from a gunshot wound in the right hip and a touch of gas. He was repatriated to England, January 1, 1919. He is not in receipt of pension. He was married July 30, 1923, and has two children. Prior to enlistment, he was employed as a city fireman at \$100 per month, and since his discharge has resumed his former employment, at a wage of about \$150 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been struck across the mouth with a lance after capture. Suffered with mouth trouble known as trench mouth, and had to have nearly all his teeth removed. Suffered from ill-health and general debility, and although still in the Fire Department is unable, through poor health, to rank for promotion and has lost his seniority.

An analysis of the evidence reveals:

Claimant complains of only one incident of maltreatment, which occurred shortly after his capture. When being taken back by two Uhlans, he was struck across the mouth with a lance, one tooth being knocked out. He attributes to this blow a very serious mouth condition which developed later, and declares that the effect upon his general health has been such that he has not been able to continue successfully in his career as a fireman on the Vancouver force. Claimant declares that he had no facilities for caring for his teeth in Germany. Many claimants have testified that they had no difficulty in this respect, as tooth brushes and paste came through to them in their parcels. At Meschede and Giessen, claimant does not complain of any particular maltreatment.

The medical record indicates that claimant suffered from indigestion in 1919-1920, with indefinite signs of ulcer. His percentage of disability is declared at nil. Dr. F. R. R. Nelles, who furnished the certificate says nothing about his teeth, but there have been filed certificates of Drs. W. J. Rutherford and W. J. Bruce showing that the teeth were not badly decayed, but the "surrounding process was badly absorbed, with pus exuding freely." Several teeth were extracted by Dr. Rutherford which appreciably ameliorated claimant's general condition. Dr. Bruce attended claimant in 1919 and 1920, and declares he was suffering from severe chronic Vincents angina which resulted in the destruction of a large portion of the alveolar process and subsequently the loss of several teeth.

There is no doubt that claimant's general condition has been weakened and his health impaired by the condition of his teeth, but I do not consider that this can be ascribed to the blow on the mouth of which he complains. It may, or may not, have been due to carelessness on the part of claimant in not caring for his teeth. I am compelled to find that claimant has not discharged the burden of showing that his disability results from maltreatment at the hands of the enemy. The claim, must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2201—COLLINGWOOD SCHREIBER

The claimant was a Private in the 29th Battalion—Regimental number 76148. He enlisted on November 9, 1914, at the age of 19 years. He was taken prisoner at St. Eloi, on April 19, 1916, unwounded. He escaped from the prison camp into Holland in December, 1917, and was repatriated to England on January 13, 1918. He is in receipt of a pension of \$23 per month, based on "tubercle of the lung". He was married on July 23, 1927, and has two children. Prior to enlistment, he was a surveyor's assistant, earning \$75 per month, and since his discharge has been engaged in farming and as a tie-contractor.

He alleges that, while a prisoner of war, he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that while in ill-health he was given no medical attention and compelled to do exceptionally heavy work.

An analysis of the evidence reveals:

Claimant was a prisoner in Germany for about 20 months, his fourth attempt to escape being successful. The record contains a very full and complete account of his experiences and treatment during his captivity. He does not complain of any particular acts of brutality at Giessen camp, where he was first sent, nor at Miderschelden, where he next went. His complaint as to maltreatment centres around Grenzhausen where he was compelled to do most arduous work when he was ill and in no condition to be about. He declares quite frankly that, "I was not ill-treated at all," but through over-work and bad food his health was impaired and the tubercular condition from which he now suffers has resulted. Claimant must have caused his captors some trouble and anxiety from his repeated efforts to escape. It is his contention that had he received proper medical attention (which was refused him) he would not now be disabled. Claimant told his story in a very clear and straight-forward manner which carried conviction.

The medical record as appearing in claimant's pension file clearly shows disablement due to the chest condition noted, which is declared to have originated in Germany and to have been due to poor food and hygiene conditions.

Having regard to the general observations contained in Opinion annexed to the present report, I have given very careful consideration to the evidence relating to the conditions of labour imposed upon claimant and the food he received. While generally speaking these conditions in themselves do not in my opinion constitute maltreatment, I am clearly of opinion that the deliberate attempt to break down the morale of a prisoner by enforcing labour he cannot perform and starving him, may be regarded as maltreatment. In this case, I find that the punishment given claimant for his attempted escapes, while not going the length of brutal physical treatment, was none the less severe and unreasonable and has clearly impaired his general health. Viewing all the circumstances, I have reached the conclusion that claimant is entitled to an award and I would, accordingly, recommend payment to him of the sum of \$500 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 2202—JOHN MONTAGUE CARNSEW

The claimant was a Private in the 29th Battalion—Regimental number 76061. He enlisted November 9, 1914, at the age of 18 years, although his attestation paper would indicate that his age was about 20 years on enlistment. He was taken prisoner April 19, 1916, according to the military records, although in his claim he states that the date of capture was March 17, 1916. The military records state that he was not wounded when captured, but he alleges that he was suffering from a slight wound in the foot. He was repatriated to England November 27, 1918, and is not in receipt of pension. He was married June 2, 1926, and has three children. Prior to enlistment, he had worked a few months as a clerk, and, after his discharge, he was employed as a clerk until 1928, at a salary of \$5.40 per day, and, from 1928 on, with the Coast Quarries, Limited, at a salary ranging from \$200 per month to \$250 per month and board.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he had his nose broken with a rifle, causing nasal trouble ever since. Suffered upon repatriation from run-down physical condition, causing influenza and diphtheria while overseas. Lack of dental treatment causes his present dental trouble.

An analysis of the evidence reveals:—

Claimant complains of one act of maltreatment only, as a result of which his nose was broken. It occurred at Oberhausen where he had been sent to work in a hat factory. A few days before the Armistice, the employees in this factory struck and refused to return to work. Claimant was beaten by a civilian, who apparently was present as an interpreter, and struck over the nose. He received no medical treatment for this injury and attributes some disability to the injury received. Claimant has no complaint as to his treatment whilst a prisoner of war at Giessen, Meschede and working camps in the vicinity. His nose was operated upon in England and the medical history sheets clearly corroborate an injury to the nose, which is declared to have occurred whilst in Germany. In conclusion, claimant refers to the condition of his teeth, but does not press that ailment as the result of any maltreatment, but contends that he should have received dental care in Germany, inasmuch as he had already been receiving treatment before capture in his own lines.

The medical record refers only to the condition of claimant's teeth. An affidavit of Dr. L. F. Marshall is filed indicating that "neglected Vincent's angina has undoubtedly predisposed to a chronic Pyorrhea Alveolaris." Dr. Marshall did not appear before the Commission. The medical history file shows that claimant has a deflected septum, with perforation in the anterior part, with a great deal of deformity and obstruction.

In this case the two elements required to base an award are present, viz.: maltreatment in the form of a blow on the nose and disability resulting therefrom. It is true that the disability is not great and may have but a slight effect upon claimant's working ability, but injury is definitely present, and I am of opinion that claimant has succeeded in making out a case. I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 2203—ALEXANDER M. MAY

The claimant was a Private in the 7th Battalion—Regimental number 16805. He enlisted in September, 1914, at the age of 30 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from a shrapnel wound in the left leg. He was repatriated to England on December 27, 1918. He is in receipt of a disability pension amounting to \$11.25 per month, based on "varix." He is unmarried. Prior to enlistment, he was a Telegraph Linesman, at \$130 per month. Since his discharge he has been doing casual work as a "Longshoreman," but was, at the time of hearing, out of employment.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that his nose was broken as the result of a blow from the butt of a rifle, and that he now has difficulty in breathing.

An analysis of the evidence reveals:—

Claimant has no complaint as to his treatment at Giessen or Vehnemoor camps where he was first taken. At Ostenholzenmoor he was beaten for not responding promptly to the parade call and given "turf drill" which consisted in picking up a piece of turf, running 60 yards with it and repeating this action for long periods. At Bokelah, where claimant spent 2 years and 4 months, his nose was broken from a blow with the butt end of a rifle, administered by a guard who did not consider claimant was working properly. For reporting sick at this camp, claimant was put upon the latrine fatigue, work of a most revolting character, and in this instance deliberately rendered more onerous. Claimant has no complaint as to Saltau camp where he terminated his period of captivity.

The medical record indicates that claimant suffers from nervous disorders, pains in left shoulder and arm, obstructions to breathing in nose, varicose veins in left leg. Dr. W. C. Walsh, who certifies to the foregoing, finds a quite definite deformity to the nose, with deviation of the septum, causing obstruction to breathing. He also finds some symptoms of gastric trouble. Dr. H. C. Powell also furnishes a certificate to the effect that claimant is suffering from chronic gastritis, which has apparently been present for several years. Neither of these physicians appeared before the Commission. The medical history files would appear to show that the varicose veins were of pre-war origin. A condition of myalgia is ascribed to exposure while a prisoner.

The story related by claimant is clear and convincing with a minimum of exaggeration. He has, in my opinion, established maltreatment whilst a prisoner of war which has resulted in some disability. I refer particularly to the broken nose resulting in a deviated septum entailing difficult breathing. Viewing all the circumstances, I consider claimant entitled to an award, and I would, accordingly, recommend a payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commisisoner.

OTTAWA, December 3, 1931.

CASE 2204—JAMES HURST

The claimant was a Sergeant in the 7th Battalion,—Regimental number 23346. He enlisted in August, 1914, at the age of 57 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, suffering from a gunshot wound in the left temple, and had been slightly gassed. He was repatriated to England on November 18, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$21 per month, based on "Neurasthenia and defective hearing, incurred on Active Service." He was married on November 10, 1920, and has 3 children. Prior to enlistment, he was engaged as a Steamship Purser, at a salary of \$70 per month and all found, and is at present employed as a freight checker and baggage expressman, at a salary of \$95 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of general impairment of health by reason of consistent brutality, ill-usage and beatings.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at Giessen, Saltau, Lichtenhorst, Hestenmoor, Mannheim and Zerbst prison camps. At Giessen he was badly beaten by guards for refusing to work and was struck for talking to a fellow prisoner, who files an affidavit corroborating the incident. Claimant complains of rough treatment at the other camps and in particular being lined up before a firing squad with other prisoners, at Zerbst, for refusing to work. At Zerbst also the prisoners were kept in subjection by vicious police dogs, who were turned loose on the slightest provocation. Claimant alleges that he was bitten by these dogs. Upon transfer to Switzerland because of illness, claimant was returned to Germany and sent to Mannheim.

The medical record indicates that claimant suffers from neurasthenia, general lowering of nervous energy and lack of confidence with lessened power of concentration. His percentage of disability is declared at 25 per cent in his own calling and at 40 per cent in the general labour market. Dr. R. C. Weldon, who certifies to the foregoing, did not appear before the Commission. Claimant's pension files and medical history sheets speak of a much debilitated man, almost completely deaf in one ear. His neurasthenic condition is quite general.

It is beyond question that claimant was subjected to rough treatment whilst a prisoner of war, but my difficulty is to find some definite connexion between the treatment he received and a present disability. The defective hearing may I think be regarded as of service origin. After very careful consideration, I have reached the conclusion that claimant's nervous condition was induced as a result of his treatment whilst a prisoner of war and that he suffers a resultant disability which may, in part at least, be ascribed to such maltreatment. I would, accordingly, recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 3, 1931

Commissioner.

CASE 2205—ALBERT FREDERICK LENDON

The claimant was a Private in the 3rd Battalion,—Regimental number 10049. He enlisted in August, 1914, at the age of 29 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, slightly wounded in the head with a piece of shrapnel, and suffering from a touch of gas. He was released to Switzerland in 1917 and was repatriated to England December 24, 1918. He is not in receipt of pension declaring that his application was rejected. He is unmarried. Prior to enlistment, he was employed as a diamond setter, earning \$24 per week, and since his discharge found that he could not

continue his former occupation and had to do odd jobs, and has been taken care of by his father.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to work in a chemical fertilizer plant, that he was kicked in the ankle at a farm and subjected to general abuse which affected his mental balance. He had three days confinement to cells and was tied to a bed, evidently partially out of his mind.

An analysis of the evidence reveals:—

Claimant passed through Giessen and Saltau camps without special incident. Sent to Lichtenhorst and then Langenmoor, he complains of being kicked in the ankle by a guard, sustaining a fracture, for which he received no medical attention. He was later transferred to Saltau, as a mental case, and placed in a compound with other prisoners in the same condition. His recollections of his stay here are very confused and indefinite, until he was released to Switzerland and underwent treatment. He has apparently quite recovered from any mental unbalance which may have affected him. He now complains of his injured ankle and impaired nervous system.

The medical evidence is not very satisfactory. Dr. A. M. Murray appeared before the Commission and stated that he had seen claimant for the first time 2 days before. He found him highly nervous and excitable, suffering from dizzy spells, due to debility of the heart muscles. There is no lesion but the pulse is fast. Dr. Murray states as claimant's principal disabilities, nervousness and limitation of movement in the ankle. It was clearly impossible for Dr. Murray, except from the history of the case, to ascribe these disabilities to claimant's war experiences. Claimant's medical history files show nothing unusual, and refer only to a condition of headache and a pre-war vision disability.

The point in this case seems to relate only to the ankle injury. Claimant's story of the cause of this injury is not very clear. After very careful consideration of the incident in question, I have, however, decided to give him the benefit of the doubt, and to accept his story as to the manner in which this disability originated. I find, therefore, that he has made out a case of present disability resulting from maltreatment whilst a prisoner of war, and I would, accordingly, recommend a payment to him of \$500 with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 3, 1931.

Commissioner.

CASE 2206—JOHN O'BRIEN

The claimant was a Private in the 28th Battalion—Regimental number 73194. He enlisted 24th October, 1914, at the age of 21 years. He was taken prisoner by the enemy 6th June, 1916, suffering from shrapnel wounds in the left arm and third finger of the left hand, and shell shock. He had also been buried for four hours. He escaped into Holland on or about the 16th June, 1917, and reached England 19th July, 1917. He is not in receipt of pension and states that he has never made application therefor. He was married on the 10th October, 1922, but has no children. Prior to enlistment, he was employed on a ranch at \$4 per day and at the same time was studying compressor mechanics. Since his discharge he has been employed in various capacities, his last occupation being that of an orange picker, at \$2.25 per day.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He states that he was roasted in front of hot coke ovens, and was struck senseless when he attempted to back

away from the heat. He also states that his back was injured when he was struck by the butt of a rifle, and further, that he was confined for 10 days in a cell three feet by six feet, on starvation rations.

An analysis of the evidence reveals:—

Claimant spent about one year as a prisoner in Germany, when he escaped. He was first at Dulmen and was then sent to the coal mines at Augusta Victoria. It is of his treatment at this latter camp that he complains. Made to stand at attention for hours after a long day's work, he was also compelled to run the gauntlet between lines of German civilians, being beaten in the process. This was for failing to do the work required. He alleges that he was struck on the shoulder and injured. As a further punishment he was made to stand before the blazing coke ovens, because he failed to load the required number of wagons. For stepping back, to escape the intense heat, he was struck and knocked unconscious. He refers to three separate occasions upon which he was subjected to the "coke oven" punishment. While claimant's statement as to this form of punishment is corroborated by a fellow prisoner, claimant's own credibility is seriously impugned by the elaborate statement made by him upon repatriation, and which is filed of record. In this statement he lays no emphasis upon the "coke oven" punishment and states that working at the coke ovens was given him for shirking work. He describes his conduct as follows: "For eight weeks after I arrived at this camp I used to go out with the other men in the morning and down the pit, but with a party of Canadians slipped away each morning and hid in a hole all day, either sleeping or chatting." He was caught and sent to work on the coke ovens, but does not refer to the roasting as a punishment but merely as an incident of the work. Great strain is placed upon one's credulity by the statement made by claimant that he knew the soup they received was made from dogs, because — "we saved the bones and eventually pieced together a small German dachshund."

The medical record is very incomplete and consists of a letter of Dr. A. M. Wilson of Los Angeles, Cal., stating he finds claimant suffering from a "nervous and physical exhaustion which makes it impossible for him to work and earn a livelihood." Claimant's medical history files show neurasthenia and impaired function of third finger of left hand attributed to shell shock and being "buried" for four hours and shrapnel wounds. As above indicated, claimant complains of an injured back, stomach trouble and nervous condition.

In this state of the record I have reached the conclusion that claimant has failed to establish a case of maltreatment whilst a prisoner of war resulting in physical disability to him. There is no proof of an injury to the back, nor do any of claimant's disabilities appear to have resulted from the "coke oven" treatment, even if claimant's story be accepted in its entirety. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 8, 1931.

Commissioner.

CASE 2207—GILBERT GEORGE SAWYER

The claimant was a Private in the 13th Battalion—Regimental number 24181. He enlisted in August, 1914, at the age of 25 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England December 10, 1918. He is not in receipt of a pension and has not made application therefor. He is unmarried. Prior to enlistment, he was employed as a contract miner earning \$6.50 per day, and since his discharge was unable to return to his work as a miner until 1924. He worked with the Fernie branch of the G.W.V.A. for \$125, and then returned to mining, at \$140 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that having refused to abandon kilts and don trousers he was placed in dark cells and beaten several times while in the strafe barracks for four or five months. He was beaten, kicked and struck with rifle butts and complains of general abuse. He now suffers from insomnia, neurasthenia and general debility.

An analysis of the evidence reveals:

Claimant spent his period of captivity at, or attached to, Giessen camp. The evidence bears out the alleged fact that because he refused to leave off his kilt, which he had worn in battle, he was subjected to violent treatment, receiving two terms of imprisonment, being threatened and finally compelled to obey the wishes of his captors. For refusing to affix his signature to a statement that he was in good health he was sent upon a punishment detachment, harshly treated and further imprisoned. He refused to divulge the names of French prisoners who had attempted to escape by removing the bars on the windows near claimant's cot. For this he was severely beaten with a strap or rope. Claimant says very little as to his physical condition resulting from these experiences, but intimates that he suffers from a lung condition.

The medical record indicates that claimant suffers from insomnia, neurasthenia and general debility. His percentage of disability is stated at 50 per cent in his own calling and at 75 per cent in the general labour market. Dr. Geo. A. C. Kelman, who certifies to the foregoing, did not appear before the Commission. On the other hand, claimant's medical examination upon leaving the service reveals no disability, all systems being declared normal.

In this state of the record, having regard to the insufficiency of the medical evidence, it is manifestly impossible to allow compensation to claimant. For the reasons explained in Opinion annexed to the present report, the burden rests upon claimant of showing not only maltreatment whilst a prisoner of war, but also a disability resulting therefrom. I find that claimant has not discharged this burden. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2209—HERBERT BRADSHAW

The claimant was a Private in the 3rd Battalion—Regimental number 10106. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from a bullet wound in the right eye and from gas. He was repatriated to England on August 25, 1915, during the first exchange of prisoners. He is in receipt of a 40 per cent disability pension for himself and family, amounting to \$56 per month, based on the loss of his right eye from the bullet wound. He was married March 4, 1917, and has three children. Prior to enlistment, he was employed as a labourer in a lumber yard, earning about \$11 per week, and since his discharge has been employed as a stationary engineer, earning \$28 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was a stretcher case when captured and received brutal medical treatment, lost his eye and was made to work before the wounds had healed.

An analysis of the evidence reveals:

Claimant was a prisoner in Germany for about 4 months, when he was repatriated to England as medically unfit. Taken first to Roulers, he com-

plaints of brutal and inhuman attention by the medical authorities for his injured eye. The bandages were ripped off, taking the skin from his nose with them. Placed upon a table and held down by three men, the doctor probed the wound, without an anaesthetic, but apparently did not remove the bullet lodged in the orbit. This was only done in Canada when claimant was discharged. Claimant engaged in an altercation with a French orderly in a later hospital, struck him with a pail and was sent to Senne-lager as a punishment. The condition of his transfer was rough, but no disability resulted. At Senne-lager, claimant received no maltreatment but complains of the bad food and conditions generally. His complaint is summarized in the statement that he received improper medical attention at the hands of his captors and was compelled to undergo an operation without anaesthetic.

The medical record as contained in claimant's pension file is quite complete. It shows the "loss of the right eye, result of bullet wound." The bullet entered the right eye, going through the orbit and entering the cranial cavity.

Claimant is probably under the misapprehension that this Commission is empowered to grant punitive damages. As explained in opinion annexed to the present report, it has no such mission. The mere fact that claimant did not receive treatment such as he would expect in a modern hospital, furnished with every equipment, does not, I consider, constitute maltreatment. As far as the record goes, his disability has not been increased or aggravated by the treatment shown. In the circumstances, the claim fails and it is, accordingly, disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 3, 1931.

Commissioner.

CASE 2210—ALFRED ALLAN KINGSCOTT

The claimant was a Private in the 14th Battalion—Regimental number 27628. He enlisted in August, 1914, at the age of 19 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded, but suffering from the effects of gas. He was repatriated to England December 27, 1918. He is not in receipt of disability pension. He applied for one in 1926, but it was not granted. He was married on July 18, 1925, but has no children. Prior to enlistment, he was an apprentice tile setter, earning \$8 per week and since his discharge has been a letter carrier in the employment of the Dominion Government, at a present salary of \$1,500 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was beaten when he refused to work in a mine and that the food he received was insufficient for the hard work he was compelled to perform there. He complains of a chronic bronchial condition which has resulted from the water-soaked state of the mine.

An analysis of the evidence reveals:

Claimant was first a prisoner at Giessen camp, and attached commandos. He complains of being beaten at a mine (Laurenberg) and compelled to work underground in damp and unsanitary surroundings, which brought on bronchitis, from which he still suffers. Insufficient food and hard labour reduced his powers of resistance. He received no attention for the bronchitis, was sent to Butsbach civil prison, served time for refusing to work, spent a year at Lichtenhorst (as to which he has no complaints) went to Bohinte for a time, and finally wound up on a farm. At Bohinte he was made to work in water building canals. At the farm, claimant was fairly treated and has no complaints. He declares that he is fairly well but suffers from severe coughing spells in the morning upon arising. Apparently, when examined for pension, his condition was found

to be fairly good. The pension was not allowed but he was advised to return if the bronchitis became aggravated.

The medical record indicates that claimant suffers from chronic bronchitis, "coughs most in morning since 1916". His percentage of disability is stated at 20 per cent. Dr. H. H. Murray, who certifies to the foregoing did not appear before the Commission. Claimant's medical history files contain nothing unusual and merely refer to the presence of bronchitis.

Claimant is fortunate to suffer from so minor a disablement, which, in any event, may be attributable to the effects of gas, from which he was suffering when captured and may also owe its origin to nutritional causes. The complaint is quite general, and evidence does not support a finding that claimant's disability results from maltreatment whilst a prisoner of war. His recourse, if any, will be before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2211—HERBERT LILLIE

The claimant was a Private in the 4th C.M.R.—Regimental number 109452. He enlisted in November, 1914, at the age of 20 years. He was taken prisoner June 2, 1916, suffering from a gun shot wound in the right shoulder. He escaped into Switzerland, March 19, 1918. He is not in receipt of disability pension, but states he has an application pending. He is unmarried. Prior to enlistment, he was a plumber's helper, earning \$8 per week, and is still employed as a plumber, at an average weekly wage of from \$40 to \$45.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of insufficient food, heavy work and general abuse.

An analysis of the evidence reveals:

Claimant was taken to Dulmen camp and was sent on a working party to the coal mines—K 101—where he complains of the hard work and food. He was there 9 months, was taken ill and sent to hospital. He does not complain of any physical brutality. In hospital at Munster for 13 months, he was sent to Mannheim for examination by the Swiss Commission. He was not passed and was sent to Hueberg, where, on a working party, he made good his escape to Switzerland. Claimant's statement, upon repatriation, is filed of record and substantiates the testimony given by him before the Commission. His complaint refers generally to conditions in the camps, where he was held, with resultant injury to his health—heart, lungs, throat and left ear.

The medical record indicates that claimant sustained an injury to his ear, suffers from dizziness, chronic gastritis and chronic bronchitis. His percentage of disability is stated at 50 per cent. Dr. D. M. Crawford, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, all systems being declared normal, upon discharge from the service.

Apart from the period claimant spent in the coal mines, no unusual treatment has been established. In the mines, he admits that he himself received no physical abuse. His complaint is confined to long hours and inadequate food. These conditions were quite general and while claimant's health may have suffered, I do not consider that he has proved such maltreatment with resulting disability as will entitle him to an award. The ear injury remains unexplained. His recourse, if any, is before the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 8, 1931.

CASE 2212—CARL JOHN McCARTHY

The claimant was a Private in the 2nd Battalion—Regimental number 8007. He enlisted in August, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He reached Metz in November, 1918, and was repatriated to England, December 8th of that year. He is not in receipt of pension, nor has he made an application therefor. He was married August 24, 1920, and has one child. Prior to enlistment, he was employed as a sheet metal worker, earning about \$13.00 per week, and is now with the Toronto Fire Department, at \$40 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of work in an Iron Foundry, solitary confinement for attempting to escape, beatings, and lack of medical attention for influenza and blood poisoning. He now suffers with trench mouth and nervous debility.

An analysis of the evidence reveals:

Claimant spent the entire period of his captivity, with the exception of four months, at Giessen camp, mostly at the Geisweid Iron works. He speaks of the usual beatings, and also recounts the manner in which prisoners attempted to escape work by maiming themselves. In fact on one occasion he suffered blood poisoning from a self inflicted wound to his finger. For two unsuccessful attempts to escape claimant was beaten and put in solitary confinement. He contracted flu, during the 1918 epidemic, but received no treatment for it. At Munster camp, he was beaten when recaptured, and served time in cells both at Munster and Giessen upon his return. Claimant suffers chiefly from nervousness, still dreams of his treatment in Germany and cannot sleep properly.

The medical record indicates that claimant suffers from trench mouth and nervous debility. His percentage of disability is stated at 15 per cent. Dr. W. M. Robb, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show nothing unusual, all systems being declared normal, upon discharge from the service.

I am clearly of opinion, in this case, that claimant has failed to show a present disability resulting from maltreatment whilst a prisoner of war. He may have been under the misapprehension in putting forward his claim before this Commission, that it would avail him upon his pension application. His recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2213—THOMAS FRANCIS MEYERS

The claimant was a Private in the Third Battalion—Regimental number 9865. He enlisted in August, 1914, at the age of 32 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England January 1, 1919. He is not in receipt of pension and has no application before the board. He was married at the time of enlistment, and has now one child born since the war. Prior to enlistment, he was employed as a tailor, at \$15 per week, and since his discharge has been employed as a postal letter carrier, earning \$1,500 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of heavy work, beatings, solitary confinement, punishment parades, exposure and of being tied to posts. To this treatment he attributes a rupture and the loss of nine teeth.

An analysis of the evidence reveals:—

Claimant was an old soldier, having seen service in the South African War. He was taken to Giessen camp, sent to a farm, returned to camp and then sent to Bohinte. For refusing to work he was tied to a post, with his feet barely touching the ground, for three hours at night. His continued obstinacy in refusing to work earned him further rough treatment and beatings. At a farm he was beaten on the head and was unconscious for four hours and was beaten and given solitary confinement for one month. Later he was accused of having set fire to a field of wheat and because he would not tell who did it, he was court martialled and condemned to ten years imprisonment at Cologne, 18 months of which he served in Cologne jail. He complains of being hit in the privates with the butt of a rifle, causing an injury from which he still suffers. His last experiences in Germany were at salt mines near Saltau, and a factory out of Saltau. He suffered greatly from salt sores and was in hospital, where he speaks of the treatment as fair. Claimant regards the lack of nourishment whilst a prisoner as the greatest contributing factor of his disability.

There is no medical evidence of record, not even the usual certificate from a physician. Claimant's medical files contain nothing unusual. All systems were declared normal on his last medical board, when discharged from the service.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. It would appear from his testimony that claimant was reluctant to put forward a claim but was prevailed upon to do so. I am clearly of opinion that the case should not have been presented or pressed. In the absence of any medical testimony, the claim fails, and even were there medical evidence of record, I should require very conclusive testimony to justify an award in claimant's favour. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2214—JOHN ALBERT McINDOO

The claimant was a Private in the 4th C.M.R.—Regimental number 113435. He enlisted August 2, 1915, at the age of 16 years. He was taken prisoner on June 2, 1916, unwounded. He was repatriated to England December 18, 1918, and is in receipt of a 30 per cent disability pension amounting to about \$45 a month, for himself and family, based on chronic bronchitis, emphysema, and chronic rheumatism with arthritis. He was married July 25, 1921, and has four children. Prior to enlistment he was employed as a stereotyper, earning about 25 cents an hour, and is now employed as a painter periodically, earning about \$35 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work for 13 months in the coal mines, where as result of beatings, lack of proper food and exposure, he developed chest trouble, stomach trouble and rheumatism. He served 60 days solitary confinement on bread and water for having made attempts to escape.

An analysis of the evidence reveals:—

Claimant was first taken to Dulmen camp, thence to Minden, as to which camps he complains of the lack of food and that he was hit over the back with a rifle. He was then sent to Friedrichsfeld, and from there to the coal mines for 13 months. Here the labour was very heavy and the treatment bad. He made three unsuccessful attempts to escape, was confined to cells upon recapture, beaten

and generally abused, made to stand to attention for long periods. At claimant's age—he was about 17—these experiences reacted very unfavourably upon his health. He complains of nervousness, stomach and heart trouble and rheumatism.

The medical record consists of the affidavits of Drs. R. J. Brooke and W. H. Holmes. Dr. Brooke finds symptoms of pulmonary tuberculosis, stomach or bowel ulcers, loss of teeth and varicocele. He estimates claimant's disability at 30 per cent in his own calling and at 100 per cent in the general labour market. Dr. Holmes finds chronic bronchitis, chronic arthritis and duodenal ulcers. He rates claimant's disability at 30 per cent in his own calling and at 100 per cent in the general labour market. Claimant's medical files show the bronchial condition with chronic rheumatism and arthritis. Generally, there is evidence of quite definite impairment of health.

While the recital of claimant's experiences in Germany is not very detailed as to particular acts of maltreatment, I think the conclusion is clearly open that claimant was subjected to maltreatment whilst working in the coal mines. The proof clearly establishes impairment to his health and, I am of opinion that claimant has succeeded in showing the necessary connexity between the two. He is, therefore, entitled to an award, and I would recommend a payment to him of \$800, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 1, 1931.

CASE 2215—STEWART NETHERCOTT

The claimant was a Private in the 4th C.M.R.,—Regimental number 113455. He enlisted August 31, 1915, at the age of 29 years. He was taken prisoner June 2, 1916, badly hurt, having been buried in a trench and his left leg twisted. He was repatriated to England December 18, 1918. He is in receipt of a 10 per cent disability pension, amounting to \$7.50 per month, based on the injury to his left leg. He was married at the time of enlistment and was employed as a sub-foreman on the Toronto Street Railway, earning \$16.50 per week, and is now employed as a machinist earning \$22 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work while ill, lack of medical attention, starvation, long periods of punishment drill and exposure.

An analysis of the evidence reveals:—

Claimant was taken to Dulmen camp for a short period. He complains that he received no medical attention for his leg and was compelled to work in the rain and mud. He speaks only of one incident of being kicked for not working fast enough. Transferred to Minden, he remained there for the duration of the war. He complains generally of bad working conditions, no medical attention and unhealthy accommodation. For refusing to work on Sundays he was punished by being made to stand to attention for long hours. As a result of these experiences he declares that his health is broken, that he suffers from his stomach, has loss of memory and cannot concentrate, has haemorrhoids and fallen arches.

The medical record indicates that claimant shows premature ravages of age, suffers from disturbance of function of digestive system and partial loss of memory and inability to concentrate upon neutral problems. His percentage of disability is stated at 100 per cent in his own calling and at 50 per cent in the general labour market. Dr. Bruce Barnes, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show some hospitalization for debility and fissure in ano.

Claimant has not shown that alleged lack of medical attention has aggravated the injury to his leg and left him with any greater disability than he would otherwise have had. As to his claim for general impairment to health, I consider that this must be regarded as the outcome of general camp conditions in Germany, and cannot be ascribed to particular maltreatment. Temperamentally, from his story, I should expect claimant to have reacted unfavourably not only to his experiences as a prisoner, but also to service conditions. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2216—ROBERT JOHN O'NEIL

The claimant was a Private in the 5th Battalion,—Regimental number 746472. He enlisted April 6, 1916, at the age of 14 years. He was taken prisoner September 1, 1918, suffering from a gunshot wound in the thigh. He was repatriated to England December 12, 1918. He is in receipt of a 20 per cent disability pension, amounting to \$15 per month, based on the wound in his left leg. He is unmarried. Prior to enlistment, he was attending school, and since his discharge has held various positions, and now seems to be working in a Valet shop at the King Edward Hotel, Toronto, earning \$18 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been struck in the left eye with the fist by a German guard, which has affected his sight. His wounded left leg is practically useless due to lack of medical attention. He also received a bullet wound in the right leg after capture.

An analysis of the evidence reveals:—

Claimant was a prisoner in the hands of the enemy for about 3 months, which he spent in hospital at Mons and Mulheim. He complains of being shot by a guard after capture, but his statement as to this incident is very confused. At Mons, he has no complaint as to his treatment. He complains that he was struck over the eye by a German guard at Mulheim, when discovered stealing potatoes, and that this blow has permanently impaired his eyesight. He has never previously complained of this disability nor asked for examination. It was not included in his pension application. Claimant declares that he enlisted at the age of 14 years although his attestation papers show him to have been several years older. He had come to Canada from the Bernardo Home in England and was on a farm at the time of enlistment.

The medical record indicates that claimant suffers from a gunshot wound in the left thigh, with injury to the sciatic nerve. As to the alleged eye condition, the symptoms are purely subjective, Dr. T. J. Snelgrove, who certifies to claimant's condition, stating merely that claimant "claims he has loss of vision in left eye from being struck over the eye." He rates claimant's percentage of disability at from 50 per cent to 75 per cent. Dr. Snelgrove did not appear before the Commission. Claimant's medical files deal only with the leg injury.

Claimant's unsupported statement of impairment to his vision cannot be accepted as proving the fact. Nor do I think that the evidence reveals any maltreatment whilst claimant was in hospital—quite the reverse. His disability is of service origin. The claim should not have been presented or pressed before this Commission. It is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 4, 1931.

CASE 2217—CHARLES TAYLOR

The claimant was a Private in the 3rd Battalion—Regimental number 9725. He enlisted in 1914 at the age of 30 years. He was taken prisoner 24th April, 1915, during the second battle of Ypres, unwounded but slightly gassed. He was repatriated to England the 8th December, 1918. He is in receipt of a 15 per cent disability pension, amounting to \$22.50 per month, including allowance for his family, based on "arthritis, loss of distal phalanx left middle finger, valvular disease of heart." He was married in March, 1920, and has four children. Prior to enlistment, he was employed as a labourer, at \$15 per week. Since his discharge he was for 3 years with the Robert Simpson Company, and has since been employed as manager of a farm, at a salary of \$50 per month, with house, fuel, fruit and potatoes.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was given a severe beating with rifle butts and mining lamps, and that on another occasion he was beaten with a knotted rope. He alleges that his back still troubles him as a result of such beatings. He complains also that while employed on lumber work he was struck over the hand with a hatchet, with a result that part of his finger had to be amputated.

An analysis of the evidence reveals:—

Claimant was attached to Giessen camp for the entire period of his captivity. Sent out on a working party to a silver mine, he appears to have been singled out for particular treatment as an object lesson to prisoners who refused to work. He was taken out of the line before the squad and beaten with rifle butts, and declares that he still feels the effects in his back. Later, at an iron smelter, where he spent 18 months, for an unsuccessful attempt to escape, he was beaten with a knotted rope, in addition to receiving 21 days solitary confinement. He also complains that a German guard hit him on the finger with a hatchet, while he was working in a lumber camp, with the result that the finger was amputated. Contrasting this account of the incident with claimant's statement in his medical history files, reveals a contradiction. His earlier statement is that while chopping wood he chopped the end of his third finger. When confronted with this contradiction, claimant's explanation is very halting and unconvincing. Claimant complains of pains in the back and the injury to his hand.

The medical record indicates that claimant has had his middle finger left hand amputated above the distal joint, that he suffers from neuritis of rheumatic origin, and general nervousness. His percentage of disability is stated at 25 per cent in his own calling and at 40 per cent in the general labour market. Dr. H. S. Eagles, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show some heart trouble, the injury to his finger, with no objective symptoms of injury to the back.

From a perusal of claimant's testimony it is clear that he is under the misapprehension that this Commission is empowered to increase his pension allowance. It is dissatisfaction with the amount he now receives as pension which brings him before us. Claimant's demeanor before the Commission did little to dispel the doubt as to his credibility aroused by the contradiction between his testimony and his earlier statement above referred to. After a careful consideration of the record, I am of opinion that claimant has failed to show that any present disability from which he suffers is the result of maltreatment whilst a prisoner of war. His recourse, if any, is elsewhere. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2218—PETER SIMPSON THORNTON

The claimant was a Corporal in the 4th C.M.R.—Regimental number 109646. He enlisted November 28, 1914, at the age of 20 years. He was taken prisoner May 2, 1916, suffering from shrapnel wounds in the head and ear, had his jaw smashed, wounds in the left chest and right leg above and below the knee. He was repatriated to England December 31, 1918. He had been in receipt of pension which he commuted for \$160, November 20, 1920, but now has an application for reinstatement pending. Prior to enlistment, he was employed as a truck driver, earning about \$15 per week, and since his discharge joined the Toronto police force, and now earns \$1,650 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work while suffering from open wounds, lack of medical treatment and beatings. He alleges that he was shot in the shoulder by a German guard, armed with a revolver, and the shoulder still troubles him.

An analysis of the evidence reveals:—

Within a few hours of his capture, while lying wounded by the roadside, unable to continue marching to the hospital, claimant was shot through the back and shoulder by a German officer, who became impatient at his slow progress and protests that he was unable to continue. Claimant was taken to Duisburg, where he received very rough and inadequate medical attention for his wounds. He was sent to Friedrichsfeld camp where he was beaten for refusing to work, his wounds being still open. Sent into Russian Poland, he was beaten for the same reason, returned to Friedrichsfeld and transferred to punishment camp at Hestenmoor. Similar treatment was here meted out to claimant, who insists that his wounds were still discharging and that he could get no attention for them. At a farm, he was ill-treated by the farmer, because he could not work and was kept in confinement after the Armistice until late in December. Claimant confines his complaint to the injury to his back and shoulder above described, from which he still suffers.

The medical record indicates that claimant has an injured shoulder and left arm, shrapnel in lower left jaw and ear and suffers from impaired use of right leg. His percentage of disability is stated at 100 per cent in his own calling and at 50 per cent in the general labour market. He is declared to be 50 per cent deaf from face injury. Dr. H. E. Reid, who certifies to the foregoing, did not appear before the Commission. The disability above stated is clearly high, in view of the work claimant is able to do, and is now doing.

There seems to be no reason to doubt the story told by claimant of the incident which occurred shortly after capture. As recounted, this incident undoubtedly constitutes maltreatment of the grossest type. There can be no justification for shooting a wounded prisoner, without provocation. It is unnecessary to deal specifically with claimant's other complaints. I find that he suffers disability resulting from maltreatment whilst a prisoner of war and I would, accordingly, recommend a payment to him of \$800, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 2219—JOSEPH McLEAN

The claimant was a Lance-Corporal in the 2nd Canadian Tunnelling Co.—Regimental number 442740. He enlisted August 17, 1915, at the age of 31 years. He was taken prisoner June 2, 1916, at Arma Wood, unwounded. He was repatriated to England December 11, 1918. He is not in receipt of pension but an application is under consideration. He is married and has a family, 9 still living. Prior to enlistment, he was employed as a miner and continued in that work for some time after his discharge, but, at the time of the hearing, he had not been at work for 14 months.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having had to stand bare-headed in the sun from 8 a.m. till 8 p.m., and if he made the slightest move he was hit with the butt of a rifle. He refused to work on Sunday and received the foregoing punishment. Received kicks and blows and was finally put to work in a copper mine breaking rock. Was in trouble all the time and attempted to escape. Was confined to a small cell. Was compelled to march at night in below zero weather in his underwear and bare feet from one end of the barracks to the other until he was nearly frozen. Was obliged to stand thus for over 2 hours. Contracted influenza after this and was compelled to return to work after 3 days. He is now receiving treatment for goitre, has lost his teeth and had his tonsils removed. He is unable to work.

An analysis of the evidence reveals:—

Claimant's testimony substantiates the foregoing summary of his statement of claim. His claim for maltreatment rests chiefly upon the ground that while a prisoner of war he contracted "flu" due to poor nourishment, and was compelled to work while still suffering from this malady. It is his contention that he contracted "flu" as a result of the exposure and cold when made to parade in the barracks compound in the cold.

No medical evidence was furnished before the Commission, but we have on file a complete medical record of the case furnished by the Department of Pensions and National Health. Claimant's main disability would appear to be toxio goitre, which is regarded as of post discharge origin. He is quite incapable of supporting himself and family and is in destitute circumstances.

In this state of the record, having regard to the destitute circumstances in which claimant finds himself, I have given the case very careful consideration. I found it difficult, at the outset, to decide that claimant had established the connexion between his present condition and "maltreatment" whilst a prisoner of war. But upon rereading the file, I find that there is evidence to support a finding that claimant was subjected to punishment, exposure in zero weather and deliberately made to undergo unreasonable hardship with some impairment of health. I would, accordingly, recommend a payment to claimant of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 6, 1931.

Commissioner.

CASE 2220—SIDNEY MEAKIN

Claimant was a Private in the 3rd Battalion and the 3rd Canadian Tunneling Company—Regimental number 457810. He enlisted on July 8, 1915, at the age of 39. He was taken prisoner September 20, 1916, near Courcellette and according to the military records, was then suffering from gunshot wounds in the left leg and thigh. Claimant states, however, that he was in addition wounded in the feet, shoulder and back of head. He was repatriated to England on December 10, 1918. He is in receipt of a 50 per cent disability pension,

amounting to \$43.35 per month, based on "gunshot wound left thigh". Prior to enlistment, he was an engineer with the General Electric Company for a number of years, earning approximately \$200 per month. He has not worked at all since his discharge from the army.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He states he was shot immediately after his capture without reason and received no proper medical treatment.

An analysis of the evidence reveals:—

Claimant's case of maltreatment rests upon one incident only, which occurred immediately following his capture. While still upon the field of combat, one of his captors pointed a rifle, declaring that he would shoot claimant. In an attempt to defend himself, claimant deflected the muzzle of the rifle downward, with the result that it discharged and apparently shot him through the private parts. He was taken to hospitals at Cambrai, Cologne and Nuremberg and, except for a short period of confinement in cells, for smoking in the ward, remained in hospital until repatriated. He complains of the use of paper bandages in the dressings given him for his wounds, but otherwise has no complaint to offer.

The medical certificate of Dr. George M. Foster declares: "mental condition very obscure on certain facts that I personally know. Up to September, 1916, also since 1919, has some very strange ideas. See S.C.R. This mental condition being due to his treatment while a prisoner of war." Dr. Foster rates claimant's percentage of disability at 100 per cent and declares that he is physically unfit in the general labour market and mentally unfit to discharge any duties in a clerical way. Dr. Foster did not appear before the Commission. Upon reference to the medical history sheets it is found that claimant's injuries are declared as:—

1. Penetrating wound left thigh with injury left sciatic nerve and 2, defective vision, with the origin of the former given as the Somme and of the latter as previous to enlistment, in Canada. Claimant's pension, as stated, is awarded for "gunshot wound left thigh."

The difficulty I have had in this case has been to determine whether the injury of which claimant complains occurred before, during or after capture. He himself declares quite clearly that he was shot after he had surrendered and was in the hands of his captors, but his medical history files do not bear him out in this statement. The entry is to the effect that he was wounded and captured the same day, the context indicating that the wound preceded his capture. Nothing in the record dispels the doubt thus created and after very careful consideration, I must disallow the claim.

ERROL M. McDOUGALL,

OTTAWA, November 30, 1931.

Commissioner.

CASE 2222—EDWARD GYDE

The claimant was a Private in the 13th Battalion—Regimental number 24601. He enlisted September 22, 1914, at the age of 34 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wounds in the abdomen according to the military records. He declares that his wounds were in the back, left hip and right down to the left groin; also suffered from gas. He escaped to Holland in November, 1917, and was repatriated to England November 30, 1917. He is in receipt of a 20 per cent disability pension, amounting to \$20.00 per month, based on gunshot wound, fracture of left ilium, neurasthenia, associated with constipation. He was married August 30, 1918, and has no children. Prior to enlistment, he was employed as

a foreman in a logging camp at \$130.00 per month and board, and since his discharge he was employed for a few months in a shipyard but had to abandon this work on account of ill-health and is now engaged as a rope-maker.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the treatment of his wounds in hospital, no anaesthetic being used on three occasions and the pain caused him to faint more than once. He also complains of being made to work when unfit, exposure, poor food and punishment parades.

An analysis of the evidence reveals:—

Claimant's testimony coincides substantially with the statement made by him upon repatriation, which is filed of record. Suffering from wounds, he was taken to a hospital in Paderborn and has no complaint as to his treatment there. Somewhat improved in health, he was sent to Senne-lager, where he was exempted from heavy work, due to his condition. Thence, he went to Dulmen in November, 1916, where he was set to work with pick and shovel on the roads. From weakness he fainted and was then put to peeling potatoes, until, through illness, he was exempted by the doctor. Claimant was then sent to Emsdetten, where he was compelled to work in water, during zero weather, with very little to eat. For declining to work, he was made to stand at attention for 12 hours. From this camp, claimant finally escaped with two companions. Claimant tells a very clear story and points out that the German civilian population was on short rations, similar to those received by the prisoners of war. The disabilities of which claimant complains by reason of this treatment are stomach trouble and rheumatism, the former of which he attributes to dysentery from which he suffered when a prisoner, and confinement. The dysentery was a recurrence of an attack he had had in the South African War.

The medical record indicates that claimant complains of dizziness on exertion and rheumatism especially in region of injury and mentions the gunshot wound in left hip. Claimant's percentage of disability is stated at 40 per cent, but Dr. McLean, who furnishes a certificate to that effect, did not appear before the Commission. The Pension records make no mention of any stomach or rheumatic condition; his pension, as stated, being granted on the ground of fracture of the left ilium, neurasthenia, associated with constipation.

In this state of the record, I do not find that claimant has made out a case of disability, resulting from maltreatment whilst a prisoner of war. It is far more likely that his ailments result from service wounds, and general conditions of camp life during captivity, which are matters solely within the competency of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 6, 1931.

Commissioner.

CASE 2223—HAROLD LAWSON TYACK

The claimant was a Private in the 7th Battalion—Regimental number 17288. He enlisted in August, 1914, at the age of 30 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded but suffering from the effects of gas. He was repatriated to Holland in June, 1918, and then to England in November, 1918. He is not in receipt of pension, although he had made application therefor. He is single. Prior to enlistment, he was engaged in farming and later had an interest in a Sign Painting business, his salary being \$120.00 a month. After his discharge he was for two years engaged in deep-sea fishing, earning around \$2,500.00 a year; this he had to give up on account of bad health.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of work in a blast furnace resulting in heart trouble, and of being made to wear wooden clogs with resultant damage to his feet.

An analysis of the evidence reveals:—

Claimant was at Giessen camp and attached commandos during the period of his captivity. At Geisweid Iron Works, he complains of being made to work upon the blast furnaces on 24-hour shifts, and suffered from the intense heat, against which he was furnished with no protective devices. He was hit and bruised on several occasions but has suffered no disability therefrom and admits that other prisoners were treated worse than he was. He speaks of a poisoned foot which he attributes to the rubbing of wooden clogs he was forced to wear. He complains chiefly of the damp and unsanitary conditions in which he was compelled to live, rather than of any form of punishment. To the living conditions he attributes a painful attack of haemorrhoids from which he suffered and alleges that his heart was weakened and is permanently impaired. While he says little in his testimony of a kidney condition, he has been most diligent in filing the affidavits of a number of fellow prisoners who all declare, in precisely the same language that claimant "was suffering from heart and kidney trouble and blood poisoning in his foot, caused through ill treatment and exposure." The desire to assist the claimant on the part of these men is very commendable, but the weight of their testimony as establishing the physical state of claimant is not very considerable, particularly as to the cause of his trouble.

The medical record indicates that claimant suffers from chronic nephritis and myocarditis, with cardiac hypertrophy. Dr. J. A. Arthur, who certifies to the foregoing, did not appear before the Commission, but further states that claimant's condition prevents him from following his usual occupation. The pension files, of record, merely show that claimant's case is under consideration for nephritis with myocarditis.

Having regard to claimant's age, I do not consider that it necessarily follows that his present condition results from his experiences, whilst a prisoner of war. It would require more direct and convincing evidence to establish the connexity between the two. Claimant's recourse, if any, is properly a matter for the consideration of the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2224—WILLIAM JOHN LONG

The claimant was a Private in the 15th Battalion—Regimental number 27226. He enlisted in August, 1914, at the age of 22 years and was taken prisoner by the enemy on April 24, 1915, at the second battle of Ypres, un wounded but suffering from the effects of gas and from a bruise on the left side of the head, leaving him in a dazed condition. He was repatriated to England from Switzerland September 11, 1917. He is in receipt of a pension of \$35.00 a month based on neurasthenia, deafness in the left ear and for arrested tuberculosis of the lungs. He was married in December, 1919, and has no children. Prior to enlistment, claimant held several clerical positions, at a salary of about \$60.00 a month and since discharge he has been employed as manager of hotels; was sick during the years 1928-29 and is now cashier at the Georgia Hotel, Vancouver, at a salary of \$1,620.00 a year.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of

medical treatment for his lungs and ear, being forced to work before being operated upon, and being struck on the head with the butt of a rifle by a sentry.

An analysis of the evidence reveals:—

When captured claimant had received a blow on the head, which evidently injured his left ear. He was taken to Gottingen camp, where he remained about eleven months and complains that he received no adequate medical treatment for his ear, which had begun to discharge shortly after his arrival at this camp. It appears that he was assigned to light work and did have his ear washed out every morning and also had attention from a R.A.M.C. corporal. Later, another German doctor was in charge and he performed an operation upon the ear, which claimant refers to as a mastoid operation. The operation did not relieve the condition and the ear continued to discharge until claimant was finally operated upon in Switzerland, where he declares the inner ear was taken out. As to this condition, it may be well to say at once that the necessity for a mastoid operation results from infection and not from such an injury as claimant describes. I am so advised by competent medical authority. During claimant's stay at Gottingen and later, at Mannheim, he was roughly handled on one or two occasions for refusing to work, but this feature is not pressed as constituting maltreatment. He refers to an operation to remove some teeth, due to the infection which spread from his ear condition, and complains of a chest condition which he attributes to his experiences in Germany. As stated above, claimant is in receipt of a pension on the ground of tuberculosis of the lungs, defective hearing and neurasthenia.

The medical record indicates that claimant suffers from T.B. lungs, defective hearing left ear and neurasthenia. His percentage of disability is stated at 50 per cent in his own calling and at 80 per cent in the general labour market. Dr. Daniel McLellan, who certifies to the foregoing, also appeared before the Commission and spoke fully as to claimant's condition. In 1922 he was called to see claimant, found him suffering from pain in the right side and after some treatment and an X-ray examination diagnosed the trouble as gallstones, for which he finally operated, removing the gall bladder. While inclined to think this condition may have resulted from claimant's generally lowered resistance, Dr. McLellan, cannot, obviously, state that this was due to any treatment which claimant may have received in Germany. As to the ear condition, Dr. McLellan readily concedes that the blow claimant received was not the inception of the trouble, but is inclined to think that the infection arose from inadequate medical attention for a condition which bore the seeds of serious trouble. The operation in Switzerland was apparently to remove bone which had become necrosed through inattention. Dr. McLellan scouts the idea that the lung condition of which claimant complains results from the original dose of gas which he received and rather infers that this impairment to the chest followed the treatment received by claimant as a prisoner. He considers claimant quite materially disabled.

The case presents features of difficulty and while I do not think it has been proven that claimant received improper medical attention whilst a prisoner, I feel that the rough handling to which he was subjected resulted in impairment to his health. On the whole, and after very serious consideration, I have reached the conclusion that he is entitled to an award. I would, accordingly, recommend payment to claimant of the sum of \$500, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 2225—JAMES GIBSON

The claimant was a Private in the 7th Battalion—Regimental number 16311. He enlisted in August, 1914, at the age of 26 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from gas. He was repatriated to England September 11, 1917, having first been released to Switzerland. He is in receipt of a 30 per cent disability pension, amounting to \$42 per month for himself, his wife and family. This pension is based on heart disease. He was married in July, 1919, and has three children. Prior to enlistment, he was employed in a mattress factory, earning \$100 per month and since his discharge has been employed as a janitor at a school, earning \$50 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work night and day while ill, outside, and in all kinds of weather. Now suffers from heart trouble, due to the strain of heavy work while ill without proper medical attention.

An analysis of the evidence reveals:—

Claimant was suffering from the effects of gas when captured. Taken to Giessen camp, he requested medical attention but was told he was quite well and sent to work. At Geisweid Iron Works, claimant collapsed while at work, was examined by the doctor and finally sent to Switzerland. He does not complain of any particular acts of brutality, but rests his claim on the ground that the work he was compelled to do was too heavy in his weakened condition of health. There is corroboration for the fact that claimant was not well when forced to work.

The medical record indicates that claimant suffers from mitral regurgitant murmurs, left ventricular preponderance and anaemia. His percentage of disability is stated at 50 per cent. Dr. E. H. Martin, who certifies to the foregoing, did not appear before the Commission. From claimant's pension file it is quite clear that he suffers from a heart condition, which is declared to have been caused by gas poisoning.

Claimant is clearly disabled, but the difficulty is to connect his present condition with the treatment he received whilst a prisoner of war. His complaint is limited to work imposed when he was unfit to do it. As far as I can see, there would be nothing in claimant's appearance to indicate that he had a heart condition and it can hardly be termed maltreatment that his guards should insist that he conform to the working conditions. His early transfer to Switzerland when his condition was discovered, would seem to indicate the reverse of maltreatment. Viewing the case as a whole, the claim fails and it is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2226—THOMAS W. WILLIS

The claimant was a Private in the 78th Battalion—Regimental number 721186. He enlisted in November, 1915, at the age of 27 years. He was taken prisoner in October, 1917, at Paschendale, unwounded. He was repatriated to England in January, 1919. He is not in receipt of pension but has filed application therefor. Prior to enlistment, he was an Iron Moulder by trade, and was earning \$6 a day. Since his discharge he followed the same employment until 3 years ago, when he had to give it up on account of his eyesight.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was struck on the shoulder and knocked down, striking his nose on some ashes which resulted in the loss of sight in the left eye.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 14 months, which period he spent at Dyrotz camp. Apart from poor food conditions he complains of only one incident of maltreatment. While unloading a car of ashes, he began to sing which evidently displeased the guard, who struck claimant across the shoulders knocking him to the ground where he struck his nose, and contends that he has lost the sight of his left eye as a consequence. He now complains that the vision in the right eye is also impaired.

The medical record consists of a copy of a certificate given by Dr. Robert Crosby, the original whereof is declared to be with claimant's pension file at Shaughnessy military hospital. Dr. Crosby finds claimant has a large amount of hypermetropia in each eye, which when corrected with a proper lens in right eye gives normal vision. The left eye, however, has only very poor vision due to an old chorio retinitis. Contrasting this reported condition with claimant's medical board upon discharge from the army, I find that claimant's vision in both eyes is declared to have been normal at that time.

In the absence of more convincing evidence as to claimant's present condition, and the establishment of even a *prima facie* case that such condition resulted from acts of maltreatment whilst a prisoner of war, the claim cannot be allowed. The mere fact that claimant was knocked down, striking his nose, does not necessarily involve injury to the eye. The evidence lacks definiteness. In this state of the record, the claim must be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2227—WALLACE ROBERT DOWNING

The claimant was a Private in the 4th C.M.R.—Regimental number 113187. He enlisted in January, 1915, at the age of 23 years. He was taken prisoner June 2, 1916, and states that he was suffering from a wounded eye, caused by debris from an explosion. The army record, however, states that he was not wounded. He was repatriated to England on November 24, 1918. He is in receipt of a 30 per cent disability pension, amounting to \$39.00 per month, based on "detached retina left eye." He is married and has three children. Prior to enlistment, he was employed as a carpenter at the rate of 45 cents per hour. Since his discharge he has followed his old occupation, but declares that he is frequently without work.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he suffers from stomach and heart trouble, as a result of heavy labour and insufficient food. He also complains that his injured eye received no attention.

An analysis of the evidence reveals:—

Claimant spent his period of captivity at the following camps: Dulmen, Duisburg, Munster, Friedrichsfeld and Essen. He does not complain greatly of any particular acts of brutality but confines himself to declaring that the poor and insufficient food, combined with long and arduous work has undermined his health. He also complains that the injury to his eye received no medical attention, although obviously he cannot show that any such attention would have resulted in less disability to his sight than would otherwise have been the case. He now suffers from his heart and stomach, but does not exhibit any particular signs of debility.

The medical record indicates "poor and insufficient food, hard labour caused indigestion and disordered action of the heart." His percentage of disability is

stated at 50 per cent. Dr. C. C. Brown, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files refer only to the eye condition, for which claimant receives a pension.

Claimant's disabilities, apart from loss of sight, are quite general. As stated in Opinion annexed to the present report, I do not consider that ailments resulting from conditions of camp life, having to do generally with food and work, can form the basis of a claim for maltreatment. Claimant has failed to discharge the burden of showing that a present disability results from maltreatment whilst a prisoner of war. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2228—JOHN GORDON LEONARD

The claimant was a Private in the 71st Battalion, drafted to the 3rd Battalion—Regimental number 126834. He enlisted on September 9, 1915, at the age of 19 years. He was taken prisoner October 8, 1916, suffering from a gunshot wound through the right ankle. (It is noted that the Military record gives "gunshot wound left heel"). He was repatriated to England in January, 1919. He is not in receipt of disability pension, and is undecided whether to apply therefor. He was married on January 31, 1923, and has three children. Prior to enlistment, he worked on the home farm, and since his discharge worked, from 1923 to 1928, at the Listowel City Dairy, at a salary of from \$60.00 to \$90.00 per month. He was compelled to give up this work by reason of ill health, and is now occasionally employed on a farm at \$30.00 per month, and his keep, but not that of his family.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical attention; that he was compelled to work in a lumber camp whilst still on crutches. He complains also that his clothes were taken away from him every night and returned to him in the morning in a frozen condition, and alleges that as a result of this treatment he is now in weakened health.

An analysis of the evidence reveals:—

Claimant was first taken to Bapaume hospital, where he complains that he received no medical attention. He has the same complaint regarding Cambrai and Parchim hospitals, adding that he was given next to nothing to eat. Sent to a lumber camp, on crutches, he complains of being made to work when unable to do so. He received no severe beatings. His story is very confused and claimant was unable to tell of his experiences with any consecutiveness. He speaks of his general condition as run down, due to exposure, complaining chiefly of his stomach and nerves. Claimant displayed marked deficiency in power to concentrate and to recount his story intelligently.

There is no medical evidence of record—not even the usual certificate of a physician. Claimant's medical history sheets contain nothing unusual, all systems being declared normal upon discharge from the service.

In this state of the record it is obviously impossible to reach a finding in claimant's favour. He has completely failed to discharge the burden of showing a present disability resulting from maltreatment whilst a prisoner of war. His recourse, if any, will be before the Board of Pension Commissioners. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2234—VERNON ALBERT HENRY

The claimant was a Private in the Canadian Cavalry Brigade—Regimental number 113287. He states that he enlisted in January, 1915, the official date being March 29, 1915. He was then 22 years of age. He was taken prisoner on or about November 20, 1917, at Cambrai, unwounded. He was repatriated to England December 3, 1918. He is not in receipt of pension. He was married in February, 1919, and has four children. Prior to enlistment, he was a foundry worker, earning about \$20.00 per week, and is now engaged in the insurance business and doing fairly well.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to do heavy work while physically unable, due to illness and lack of food. Was struck over the head with a wire whip which split his head open, and struck on the jaw with a rifle butt. He had a severe attack of influenza and did not receive adequate medical treatment. He now suffers from rheumatism and nervous disorders.

An analysis of the evidence reveals:—

Claimant was a prisoner for slightly more than a year. Taken to Cambrai and Lecoteau, he was questioned and then moved to Minden camp for a month, thence to Munster No. 2, as to which camps he has no particular complaints. Sent out to work on a railroad near Valenciennes, he complains of the hard labour, long hours, poor food and rough treatment. Claimant was beaten with a whip and slashed across the head for not vacating barracks as speedily as desired. He declares he was knocked unconscious but does not attribute any permanent physical injury to this incident, though he does contend that his present nervous condition is largely due thereto. Taken with the flu during the 1918 epidemic, claimant complains that he did not receive proper medical attention. To undernourishment claimant attributes his present disabilities. He also suffers from rheumatism.

The medical record indicates that claimant suffers from lumbago, myalgia and nervous debility. His percentage of disability is stated at 100 per cent in his own calling and at 50 per cent in the general labour market. Dr. H. M. MacDonald, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files show nothing unusual, his last medical board, upon discharge from the service declaring all systems normal. Dr. MacDonald has furnished an additional certificate explanatory of claimant's condition. He makes the following significant statement: "These troubles I attribute to insufficient nutrition while a prisoner of war in Germany. As a result of under nutrition his general body resistance was so lowered that he developed nervous debility and rheumatic pains. He also had gastro-intestinal disturbances."

Clearly claimant's disabilities are of nutritional origin and cannot be ascribed to any particular acts of maltreatment by his captors. As explained in Opinion annexed to the present report, the failure of Germany to feed her prisoners, in the absence of evidence of deliberate intentional starvation, cannot be regarded as maltreatment under the relevant sections of the Treaty of Versailles. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 6, 1931.

CASE 2238—WALTER HAYES

The claimant was a Private in the 38th Battalion—Regimental No. 669810. He enlisted on February 19, 1916, at the age of 25 years. He was taken prisoner August 10, 1918, unwounded, but states that he was suffering from concussion. He was repatriated to England on December 6, 1918. He is not in receipt of disability pension, but appears to have accepted a gratuity of \$50.00, in lieu of a pension of \$5.00 per month, for six months. He was married in October, 1921, and has two children. Prior to enlistment, he was employed in a brickyard at \$15.50 per week, and since his discharge has been in the employ of the Toronto City Waterworks, at a salary of about \$30.00 per week.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of eczema on the lower part of the body and thighs, induced by the insufficiency and poor quality of the food issued to him, also that his nerves are in poor condition.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 4 months. He does not complain of any personal brutality, but confines his claim wholly to disabilities which he attributes to poor and inadequate food. Taken to a camp in Westphalia, (Dallinger sic) he was employed in a fertilizer plant, where, he declares, he contracted eczema, which still troubles him. He was denied medical attention for this condition. While he admits that he is in fair health now, he complains that his nerves trouble him.

The medical record indicates that claimant suffers from eczema lower part of body, scrotum and thighs. His percentage of disability is stated at 100 per cent in his own calling and at 50 per cent in the general labour market. Dr. C. A. Ames, who certifies to the foregoing, did not appear before the Commission. In his certificate he attributes claimant's condition to poor diet, working without rest, "principally overwork and bad food." Claimant's medical history files show nothing unusual, apart from moderate war neurosis.

In this state of the record it is clearly impossible to reach a finding in claimant's favour. As explained in Opinion annexed to the present report, failure to supply adequate and proper food in Germany cannot be regarded as "maltreatment," unless deliberately and intentionally imposed. This he has not shown. Claimant's recourse, if any, is before the Board of Pension Commissioners. The claim must, accordingly, be disallowed.

ERROL M. McDUGALL,

Commissioner.

OTTAWA, December 4, 1931.

CASE 2239—ARTHUR C. CLEVERLEY

Claimant was a Private in the 3rd Battalion—Regimental No. 10017. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England November 18, 1918, being first exchanged to Holland in March of that year. He is not in receipt of pension, but has an application pending before the Board. He was married in September, 1925, and has one child. Prior to enlistment, he was employed as an electrician, earning \$12.00 a week, and since his discharge has been employed as an assistant manager with an electrical concern, earning \$3,500.00 per annum.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been placed in solitary confinement, poor and inadequate food, heavy work and exposure.

An analysis of the evidence reveals:—

Claimant was a prisoner at Giessen camp for seven months. Apart from solitary confinement for refusing to work, he relates no outstanding incidents. Removed to Lichtenhorst, where he spent 13 months, he complains of the enforced marching drill. It was discovered that claimant was a self-promoted N.C.O., and he was sent to the coal mines to work. Here the food conditions were very bad, the hours long, the work hard and the clothing insufficient. He speaks of no particular acts of brutality, but ascribes an impaired stomach and digestive system to the conditions he was compelled to undergo at the coal mines.

The medical evidence consists of the testimony of Dr. Geo. S. Young, who appeared before the Commission. He states that claimant suffers from obstinate constipation amounting to digestive disturbance, due probably to atony of the large bowel. This condition is declared to be nutritional in origin. Claimant's general health appears to have improved in recent years. Claimant's medical history files contain nothing unusual. His last medical board, upon discharge from the service, showed all systems normal.

While claimant's disability is probably nutritional in origin and, for reasons explained in Opinion annexed to the present report, would not ordinarily give rise to an award, there is one outstanding fact which brings me to the conclusion that claimant is entitled to succeed. He spent over a year in the coal mines, where conditions were so harsh and severe that I would be surprised to find that he escaped the treatment accorded without disability. Viewing all the circumstances, I am of opinion that claimant has established some disability resulting from maltreatment. I would, accordingly, recommend a payment to him of \$500 00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

OTTAWA, December 8, 1931.

Commissioner.

CASE 2240—WILLIAM McCLARY REILLY

The claimant was a Private in the 14th Battalion—Regimental No. 3314099. He enlisted January 10, 1918, at the age of 21 years. He was taken prisoner October 1, 1918, at Cambrai, suffering from gunshot wound in the left thigh. He was repatriated to England January 25, 1919. He is in receipt of disability pension, amounting to \$15.00 per month based on the wound in his leg. He is unmarried. Prior to enlistment, he was employed as an hotel clerk earning \$100.00 per month and since his discharge was in the employ of the Dominion Government operating a bridge on the Welland Canal until October, 1928, when he suffered a mental breakdown and was sent to the Ontario Hospital for the Insane at Hamilton, Ont. He was recently released from the hospital and was able to appear and give testimony before me, at Toronto, on April 13, 1931. There are photostatic copies of his medical examination on file, showing that he was apparently suffering from dementia præcox.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of proper treatment of the wound in his thigh resulting in the shortness of one leg. It is asserted that his mental breakdown is due to the nervous condition brought on by his treatment while a prisoner in Germany.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for three months, during which time he was in hospital at Gottingen. He contends that lack of proper medical attention has resulted in greater disability than he would otherwise have had. He admits that he received some treatment, but complains that no X-ray photographs were taken and objects to the use of paper bandages and the general

discomfort of the accommodation. In October, 1930, claimant suffered a severe nervous collapse and was an inmate of the Government hospital at Hamilton, Ontario, suffering from what has been referred to as dementia præcox. He was discharged from hospital as normal shortly previous to his appearance before the Commission. In his testimony he attributes this mental condition generally to his experiences whilst a prisoner.

The medical record is quite complete, consisting of copies of claimant's hospitalization records. For the injury to his leg, claimant receives a pension.

It would require very definite evidence to establish the connexity between claimant's mental condition and his short period of captivity in Germany. I do not find that there is any relation between the two, nor do I consider that claimant has established that maltreatment has aggravated the condition of his leg. I regard the case as one purely for the attention of the Board of Pension Commissioners. The claim is, accordingly, disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 7, 1931.

CASE 2241—WILLIAM GEORGE SINGER

The claimant was a Private in the Royal Canadian Regiment—Regimental No. 477839. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner October 8, 1916, suffering from a gunshot wound in the left arm. He was repatriated to England on December 15, 1918. He is not in receipt of pension, although he states he applied therefor in 1920. He was married on June 14, 1924, and has one child. Prior to enlistment, he was employed as an electric crane driver earning \$20.75 per week. He is now a Civil Servant (National Revenue Department) at a salary of \$90 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was denied medical treatment for the wound in his arm, but was on the contrary compelled to do heavy work. He also complains of unprovoked attacks by the prison guards.

An analysis of the evidence reveals:—

Claimant was in Stettin hospital for the wound in his arm from October, 1916, to January, 1917. Removed to Friedland in East Prussia he complains of being made to stand at attention for long hours in the cold and wet, which brought on influenza and tonsillitis. Made to work in a sawmill, he complains of the long hours and poor food, but does not refer to any particular acts of brutality. The rough treatment he received has left no disability and apart from the general statement that he suffered from starvation, claimant is unable to indicate any particular disablement, save as to his arm, which he contends still troubles him.

No medical evidence has been furnished—not even the usual certificate of a physician. Claimant's medical board, upon discharge, contains nothing out of the ordinary and shows that his general health was good.

In this state of the record it is apparent that claimant has not made out a case of maltreatment whilst a prisoner of war resulting in disability to him. The claim should not have been advanced or pressed, before this Commission. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

CASE 2242—HAZELTON CLIFFORD MOORE

The claimant was a Private in the 1st C.M.R.—Regimental number 106413. He enlisted March 9, 1915, at the age of 22 years. He was taken prisoner June 2, 1916, during the battle of Mount Sorrel, suffering from wounds in the left arm, fracture of the humerus and flesh wounds on both legs and wound in the left testicle from a bomb. He is not in receipt of pension, but received a cash gratuity from the Pension Board, amounting to \$100.00 for the loss of the left testicle which had to be removed after his return to Canada in 1920. He was repatriated to England January 6, 1919. He was married October 5, 1921, and has three children. Prior to enlistment, he was employed as a book-keeper with the International Harvester Company at Brandon, at a salary of about \$100.00 per month, and since his discharge has been with the same concern, at Lethbridge, earning from \$25.00 to \$200.00 per month. He gave up office work and took a salesman's position with the same company in 1925, on commission basis.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work while unfit to do so, of injury to his feet from wearing clogs, of lack of medical attention for his wounds, and of heavy work in salt mines.

An analysis of the evidence reveals:—

Claimant first complains of the lack of medical treatment for his wounds, particularly the injury to his testicle in which a piece of shrapnel was lodged. He was in hospital at Menin, Courtrai and Hanover, at which latter hospital this condition first received attention, which claimant declares was quite ineffectual though excruciatingly painful. He suffered from this wound until 1900, when the testicle was removed, in Canada. He was sent to Celle-lager, and, after a period of convalescence, to work on a farm, thence to a cement factory at Wunsdorf. Here he was compelled to work in wooden clogs with resultant damage to his feet, from which he still suffers. At Rosenberg, he was made to work in salt mines for 4 months and complains that the treatment was particularly cruel and inhuman. He was beaten for failing to complete almost impossible assignments of work, made to work overtime and given very little food and that of the worst. Liberated from this camp, claimant was sent to a cement factory at Merseberg where he remained a year, working at breaking and loading rock. His health gave out, his back chiefly troubling him from the heavy work. Claimant concluded his period of captivity at a sugar factory near Brunswick. He complains of an impaired stomach, weak back, impaired feet and a nervous affection.

The medical record shows that claimant suffers from his stomach and is very nervous. His back also troubles him. This information is furnished by Dr. A. McNally, who, however, did not appear before the commission. There is also a certificate of Dr. J. S. Stewart, certifying to trench mouth and some damage to the alveolar process. Claimant also furnishes certificate of treatment for his feet and the necessity of specially made boots.

The worst feature of claimant's imprisonment was undoubtedly the four months spent in salt mines at Rosenberg. We have had abundant testimony of the cruelty to which prisoners were subjected in these camps. I do not think that claimant has been successful in showing that the lack of medical attention whilst a prisoner of war of which he complains constitutes maltreatment, but I do consider that he has made out a case of maltreatment whilst in the salt mines, which has resulted in some disability to him. I would, accordingly, recommend a payment to claimant of \$500 00, with interest thereon, at the rate of 5 per cent per annum from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA. December 1, 1931.

CASE 2243—HAROLD E. M. BENNETT

The claimant was a Private in the 44th Battalion, Regimental No. 234882. He enlisted May 2, 1916, at the age of 20 years. He was taken prisoner June 3, 1917, and states that he was wounded, having been blown up twice. This is not substantiated by the military records. He was repatriated to England December 17, 1918. He is in receipt of a 30 per cent disability pension, amounting to \$42.00 per month for himself and family, based on neurasthenia, pulmonary T.B. and pleurisy. He is married and has three children. Prior to enlistment, he was engaged in farming, and since his discharge worked with the Post Office in Regina until 1928, earning \$125.00 per month. He was obliged to resign owing to ill-health and has been unable to work since.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been forced to work while suffering from pleurisy and neurasthenia and was discovered to be in such a state of collapse that the authorities were forced to put him in hospital in order to save his life. He was suffering from shell shock at the time of capture and was a physical wreck. He received no medical attention for about a year and suffered from privation, was extremely nervous and had lapses of memory. He kept complaining all the time about his illness, but was driven to work, unloading stone and iron for 15 hours per day. Was struck in the stomach by a rifle butt and knocked down by a guard at Altdamm in 1918. While a prisoner he contracted pleuro-pneumonia and now suffers from a chest condition and a heart condition.

An analysis of the evidence reveals:—

Claimant had been blown up twice when captured and declares that even before was not in good condition; had been recommended to be sent back to the base. All his troubles appear to have originated at and previous to capture. He states that he was "practically a wreck" when taken, and complains that, though he protested, he was made to work in that condition until he collapsed and was finally placed in hospital. He went to Douai, thence to Valenciennes and finally to Altdamm and Stettin. He was hit and knocked down on one occasion, but hard work when he was unfit to do it is the basis of his complaint. He speaks of his chest and heart condition as being the major disabilities from which he now suffers.

The medical evidence is contained in claimant's pension file. These records indicate that claimant's neurasthenic and pulmonary condition were incurred during service, as distinguished from his period of captivity. The medical observer notes the case as one of constitutional psychopathy, and that claimant uses very extravagant language about himself. It was apparent in his testimony that he was obsessed with the injustice of his treatment by the Germans, and that this obsession has reacted upon his entire nervous system.

With every sympathy for claimant, in his impaired state of health, I yet have been unable to reach the conclusion that he has any recourse before this Commission. The origin of his trouble was due to service, and I do not consider that his condition became aggravated by maltreatment whilst a prisoner of war, which has resulted in a disability he would not otherwise have had. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 19, 1931.

CASE 2246—THOMAS BRAMA DIPLOCK

The claimant was a Sergeant in the 7th Battalion—Regimental number 16267. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gas. He was repatriated to England November 18, 1918. He is not in receipt of pension. He was married July 22, 1919, and has three children. Prior to enlistment, he held a clerical position with a lumber company and with the Municipality of North Vancouver, at a salary of \$75 per month. Since his discharge, he has held other clerical positions with the municipality and with the Soldier Settlement Board, with salaries ranging from \$105 to \$175 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was subjected to abuse and blows from rifle butts when being escorted behind the German lines. Was transferred to Cologne, Germany, in an overcrowded box car with bad ventilation and lack of food and water. As a result of cold, poor sleeping accommodation and insufficient food in the camp he contracted haemorrhoids and catarrh. Was compelled to march in heavy wooden clogs and forced to work in the reclaiming of marsh lands. Suffers from poor nerves, haemorrhoids, catarrh and severe head pains and is advised by his doctor that his disability is permanent and likely to increase with age.

An analysis of the evidence reveals:—

The facts as shown in the foregoing summary of the statement of claim have been substantially established by claimant's testimony and supporting affidavits. No particular disability is alleged to have resulted from brutal or violent treatment. The complaint is confined to the ailment contracted by claimant—haemorrhoids—whilst a prisoner and said to be ascribable to poor living conditions, damp and cold, insufficient and poor food aggravated by long hours of punishment or exercise drill imposed upon non-commissioned officers at Giessen camp. The claim of injury to claimant's feet has not been pressed.

The medical record indicates that claimant suffers from haemorrhoids, nasal catarrh and neuritis. His percentage of disability is stated as 15 per cent in his own calling and from 50 per cent to 60 per cent in the general labour market. No other medical evidence than the certificate of Dr. R. C. McCarley has been submitted. The medical history files show that, upon discharge, claimant's general health was good.

In this state of the record I do not consider that claimant has succeeded in showing that the malady from which he suffers has resulted from maltreatment whilst a prisoner of war. He underwent the conditions imposed upon all prisoners and if, in fact, he is now suffering a permanent disability due to his experiences, I am inclined to think he should seek recourse before the Board of Pension Commissioners. I am, therefore, of the opinion that the claim must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2247—FRED GORDON COBURN

The claimant was a Private in the 2nd Battalion—Regimental number 8196. He enlisted in August, 1914, at the age of 20 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from a touch of gas. He was repatriated to England December 18, 1918. He is not in receipt of pension, has made no application therefor, nor does he intend to do so. He was married May 4, 1921, and has two children. Prior to enlistment, he was employed as a bank clerk at a salary of \$50 per

month, and since his discharge returned to the bank at \$70 per month, and later was with the Soldier Settlement Board at Ottawa, and at the time of making this claim was earning \$255 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work digging and laying sewers and being lodged in a damp cellar. After one week's work he, with other prisoners struck. They were returned to the punishment barracks at Giessen for two weeks. He was here compelled to sit on a low stool from 6 a.m. till 8 p.m. without being allowed to sleep, talk or read. Upon release, was placed at building a dam and worked six weeks with wheelbarrows and shovel, but owing to the accidental death of the chief engineer, for which the prisoners were blamed, they were returned to Giessen for two weeks' further punishment. Suffered still another two weeks' punishment for being considered lazy. In December, 1915, was placed at work in the stone quarries handling rock covered with snow and ice, with bare hands. Attempted to escape and was taken to a Russian work camp where he was compelled to stand at attention, all night, almost naked. One of the guards struck him a blow with the butt of a rifle, on the back of the head, knocking him unconscious. He was also severely kicked. Placed in the dark cells at Giessen in the military prison where a thrashing was administered every morning. Served several periods of solitary confinement on a diet of bread and water, and for refusing to work on munitions was beaten and kicked about. Also lost a gold watch and fob taken from him behind the German lines, valued at \$50.

An analysis of the evidence reveals:—

The foregoing summary of claimant's statement of claim is borne out by his evidence before this Commission, and is supported by the affidavit of a fellow prisoner. There is no corroboration as to the loss of personal effects claimed. Claimant can point to no particular disability resulting from his experiences whilst a prisoner of war. His claim is entirely general.

There is no medical evidence of record. Claimant speaks of some trouble with his eyes but declares that he was told by an eye specialist that he could not prove his case. The medical history files show that upon medical examination upon leaving the service, claimant was found fit—"all systems normal".

While the evidence establishes ill-treatment whilst a prisoner of war, claimant has failed to prove that any disability has resulted therefrom. In the absence of some medical evidence showing disability this cannot be inferred. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 7, 1931.

Commissioner.

CASE 2248—JOHN EDWIN ALDOUS

The claimant was a Private in the 7th Battalion—Regimental number 17193. He enlisted in August, 1914, at the age of 25 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded. He was repatriated to England November 24, 1918. He is not in receipt of pension. Prior to enlistment, he was employed as a bank clerk at a salary of \$1,100 per annum, and since his discharge has tried several jobs but has been unable to keep them, and, at the time of the hearing, was unemployed.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of having been forced to work in the coal mines with insufficient food. He contends that his health has been ruined and his digestive organs badly impaired. Suffers attacks of asthma each year, which he attributes to the conditions under which he lived as a prisoner for three years and eight months.

An analysis of the evidence reveals:—

Practically the whole period of claimant's captivity was spent at Osterfeldt, working in the coal mines. Long hours of labour in the mines, poor accommodation and worse food are the main complaints advanced by claimant. On one occasion he was made to stand at attention in the sun for going on strike and refusing to work. He speaks also of some maltreatment in the way of being hit with butts of rifles and bayonets, but declares that he was not physically injured thereby. His impaired health is ascribed to lack of food and hard work.

The medical record indicates that claimant suffers from neurasthenia, arterio-sclerosis and intermittent attacks of asthma. His percentage of disability is stated at 100 per cent in his own calling and at 50 per cent in the general labour market. Dr. G. A. Petrie, who certifies to this condition, did not appear before the Commission. Claimant's medical examination upon leaving the service shows "all systems normal."

The case presents difficulty in reaching a conclusion as to whether the disability of which he now complains has resulted from maltreatment while a prisoner of war. I cannot say that he has discharged the burden of showing a connexity between the two, but, having regard to the fact that he spent over 3 years in the coal mines, I feel that it is a fair inference that he has suffered some disability which may be said to be the result of maltreatment, as is more fully explained in general Opinion annexed to the present report. I would, accordingly, recommend payment to claimant of \$700.00, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 2250—LIEUT. ROBERT C. PITMAN

The claimant was a Flight Lieutenant in the Flying Corps; he enlisted in the Royal Canadian Regiment in October, 1915, and transferred to the Flying Corps in 1917. His age on original enlistment was 23 years. He was taken prisoner September 18, 1918, unwounded but had suffered from shell shock in the fall of 1916. He was repatriated to England in December, 1918. He is not in receipt of pension. He was married in April, 1921, and has one child. Prior to enlistment, he was a Law Student and afterwards Deputy Clerk District and Surrogate Court, Saskatoon, at a salary of \$125.00 a month, and since his discharge has been employed by the Soldiers' Settlement Board, at a salary, in 1930, of \$160.00 a month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being imprisoned in cells, lack of proper medical attention and food. He also complains that all his flying equipment was taken from him, including personal effects of his own, to the value of \$238.60.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about 3 months. He does not complain of any particular acts of brutality but declares that bad living conditions, exposure, lack of medical attention and lack of nourishing and sustaining food brought on a chest condition which impairs his health. His chief complaint is that he was placed in a cell which was damp and cold and that he caught a severe chill and cold which developed into bronchitis and flu, for which he received no medical attention. This occurred at Ingolstadt, about October 12, 1918. In addition, claim is made for the loss of personal effects to a value of \$238.60, which effects claimant declares were taken from him by his captors.

The only corroboration furnished as to claimant's condition in Germany is an affidavit from a fellow prisoner that, in his opinion, claimant suffered from a chest trouble and bronchial congestion.

The medical record indicates that claimant suffers from recurring attacks of bronchitis, influenza and pleurisy. His percentage of disability is stated at 10 per cent in his own calling and at 20 per cent in the general labour market. The medical history files show nothing out of the ordinary.

It is clear, from the evidence, that at the time claimant sought medical attention, it was not available owing to the disorganization of the German forces at that time. After very careful consideration, I cannot reach the conclusion that claimant was subjected to maltreatment whilst a prisoner of war resulting in disability to him. He has failed to establish the connexity between his present condition and the treatment of which he complains. If disabled, as he says, his recourse is elsewhere. The claim for loss of personal effects also fails, for lack of corroboration. The claim must, accordingly, be disallowed.

ERROL M. McDougall,

Commissioner.

OTTAWA, December 4, 1931.

CASE 2251—JOHN CHARLES HINES

The claimant was a Corporal in the 6th Battalion Royal West Kent Regiment—Regimental number 7665. He had been living in Canada since 1907 and was a reservist in the British army. He was called up at the outbreak of war, and sailed for England from Quebec City. He was taken prisoner April 9, 1917, unwounded, but had been previously wounded, in 1915, in the left forearm. He was repatriated to England December 30, 1918. He is not in receipt of Imperial pension nor has he made application therefor. He was married at the time he left for overseas and has three children. Prior to enlistment, he was employed as a painter on day wages, earning about \$78.00 per month, and since his discharge has not been employed steadily, but has worked as a painter making \$39.00 per week when employed. Illness and fainting spells have operated against his being able to keep at work.

In corroboration of his residence in Canada, before the war, there are certified copies of letters written to him by the Rev. Austin Ireland from Lachine, Quebec, and a letter from the Rev. Mr. Ireland from Thorold, Ontario, dated February 4, 1931, to the claimant's solicitor advising that Hines name is on the Honor Roll at St. Stephens Church, Lachine, indicating that he was one of the residents of that city who served overseas.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of impaired health due to close confinement in a temporary prison camp and avers that, as a result of his detention in the dungeon, he has developed rheumatism.

An analysis of the evidence reveals:—

Claimant served with the Imperials, as above stated, but was a resident of Canada prior to the war and went home to rejoin his old battalion. These facts have been clearly established and give this Commission jurisdiction to entertain the claim. Claimant confines his complaint as to maltreatment to his period of imprisonment in dungeon at Fort Macdonald, immediately following his capture. Owing to the crowded, filthy and unsanitary conditions of this prison he alleges that he contracted rheumatism from which he still suffers. As to his remaining experiences at Munster and Hestenmoor camps he has little complaint, but speaks generally of rough treatment.

There is no medical evidence in this case, not even the usual certificate attesting claimant's present condition and stating his degree of disability. The Canadian military records are, of course, silent as to claimant, since he was with the Imperials.

In this state of the record it is obviously impossible to find in claimant's favour. Maltreatment alone does not suffice to found a claim. Resultant disability must be shown. Were it otherwise, the mere fact of imprisonment would almost alone support a claim, and clearly, this is not the maltreatment contemplated by the reparation provisions of the Treaty of Versailles. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 4, 1931.

CASE 2252—WILLIAM MURRAY MILLER

The claimant was a Private in the 5th Battalion—Regimental number 13206. He enlisted in August, 1914, at the age of 23 years. He was taken prisoner April 25, 1915, at the second battle of Ypres, suffering from a gunshot wound in the breast. He was repatriated to England on December 30, 1918. He is not in receipt of pension, but states he may now apply for one. Prior to enlistment, he was a carpenter and is now employed as a telephone man.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that three teeth were forcibly extracted without an anaesthetic being administered, with the result that the right side of his upper jaw has been considerably damaged. He also complains that on several occasions he was beaten with the flat of a bayonet.

An analysis of the evidence reveals:—

Claimant spent two months in hospital recuperating from his wounds. He was then sent to Stendal camp and working detachments connected therewith. His complaint as to maltreatment is confined to one incident. Reporting sick with toothache he was taken to a German dentist who forcibly extracted three teeth without anaesthetic. Claimant protested, but was held down by the sentry who accompanied him, while the dentist proceeded with the extraction. He also complains generally of being beaten, but did not suffer any permanent disability.

The medical record is very complete and indicates that claimant sustained considerable damage to his jaw. Dr. W. C. McKechnie certifies that upon examination he finds on the upper right maxilla there is considerable of the posterior part of the alveolar process missing as well as a portion of the jaw bone itself. The gum is loose and irregular and would prevent the proper wearing of a plate. Supplementing this certificate Dr. W. E. Wessels, dentist, appeared before the Commission and told of treatment given by him to claimant. He declares that for a distance of about an inch and one-half the gum appeared to have no bone underneath. It was loose and flabby; pus was oozing from the area. Dr. Wessels lanced the gum and found that in an extraction of teeth the posterior of the maxilla had been broken and a piece missing as large as his thumb. Examination revealed that the area was badly necrosed and for several months curetting was resorted to to remove the necrosed pieces and crumbs of bone. Dr. Wessels expresses the opinion that the condition was due to brutal dentistry, because "the whole jawbone was broken, the jawbone that holds the teeth." The injury is of course permanent and prevents claimant from ever having a proper denture.

While the medical evidence appears to justify the conclusion that claimant's teeth were extracted with the maximum of cruelty and the minimum of proper dental skill, claimant's medical files do not support his statement that these extractions occurred in Germany. The dental record, upon discharge from the service, indicates the presence of at least one tooth in the area where the greatest damage appears to have been caused. A consideration of this file casts very great doubt as to the accuracy of claimant's statements and I have reached the conclusion that claimant cannot succeed. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, November 30, 1931.

Commissioner.

CASE 2253—LIEUT. ARTHUR CLARENCE LEE

The claimant was a Lieutenant attached to the Royal Flying Corps. He enlisted March 1, 1915, at the age of 24 years. He was taken prisoner May 20, 1917, having been shot down by the enemy while flying. He sustained minor bruises in the crash of the plane. He was repatriated to England December 25, 1918. He was married December 15, 1920, and has one child. He is not in receipt of pension nor has he made application therefor. Prior to enlistment, he was working at home on his father's farm, and since discharge has been running his own farm.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of poor food, for which he had to pay out of his army pay some \$15 per month and the quantity and quality received could not be worth \$1. His nerves are bad and he suffers from lapses of memory.

An analysis of the evidence reveals:—

Claimant, a flying officer, was brought down by the enemy. He was a prisoner in Germany for about 18 months. From Karlsruhe, he was sent to Strohen. He complains that he was confined to barracks for a month because his captors had discovered a tunnel other prisoners were building with a view to escape. Claimant attributes haemorrhoids from which he still suffers to this confinement and the poor food. He has no other complaint as to maltreatment, but declares that he also suffers from lapses of memory and inability to concentrate due to his experiences as a prisoner. This latter trouble developed after he had returned to Canada. Claimant claims for loss of effects and money expended in buying food whilst a prisoner.

The medical record indicates that claimant suffers from haemorrhoids and lapse of memory. His percentage of disability is stated at 25 per cent. Dr. F. T. Green, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files declare that he is not suffering from any functional or organic disease of his nervous system, without any indication of disability resulting from his period of service.

It is shown in the evidence that claimant had had several minor service accidents before capture. I am inclined to think that his lapses of memory are due to super sensitiveness on claimant's part and could be corrected by a systematic effort to improve the condition. As to his haemorrhoids, if serious, these could be reduced and a cure effected by surgical treatment, if deemed advisable. On the whole, I do not consider that claimant has established the connexion between his present disability and any maltreatment to which he was subjected whilst a prisoner of war. At all events, the claim, if any, is one for the consideration of the Board of Pension Commissioners. His claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 3, 1931.

Commissioner.

CASE 2255—PERCY SEDORE

The claimant was a Private in the 7th Battalion—Regimental number 17277. He enlisted in August, 1914, at the age of 24 years. He was taken prisoner April 24, at the second battle of Ypres, suffering from three gunshot wounds in the left leg, wound in the right groin, and had been gassed. He was repatriated to England on December 5, 1918; he is not in receipt of pension. Prior to enlistment, he was a shingler earning \$8 a day piece work, and since his discharge he continued his calling, but can only earn around \$3 a day through having to compete with others at piece work.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being struck over the head with the butt of a rifle, and with a lance, being placed in solitary confinement for 21 days as punishment for smoking in barracks and also 14 days for not working faster. He complains further that he was hit over the head with a bayonet, the result being that he has lost the use of his hearing in one ear.

An analysis of the evidence reveals:—

Claimant, on his own admission, considered it his duty to give his captors as much trouble as possible. Quite apart from several attempts to escape, he was instrumental in organizing a small party of prisoners into a band known as the "Iron twenty," the group refusing to be cowed by the guards and taking all the punishment handed out. That they were truculent and intractable is beyond question, and the severest kind of punishment was visited upon them. They were marked men, with rings painted on their uniforms to indicate their quality. A witness called to testify as to these facts declares that he "never saw two men (the other was Martin) take such human punishment as they did and live through it." I have no reason to doubt the story told by claimant, and even though he did bring much of the brutality upon himself by his truculence and disobedience, the punishment given him went beyond reasonable bounds. He was repeatedly struck and injured, and served punishment in dark cells to the lasting injury of his health.

The medical record indicates that claimant suffers from loss of hearing, left ear; gunshot wound of left leg; impairment of function of legs and back, muscles, spine, etc. His percentage of disability is stated at 100 per cent. Dr. W. O. Brydon-Jack, who certifies to the foregoing, did not appear before the Commission but has filed a further certificate to the effect that claimant's defective hearing and injured leg very greatly disable him, and that he is unable to keep up with other workmen of his class. The medical history sheets reveal nothing out of the ordinary.

I am of opinion that the record fully justifies claimant's contention that he sustained injury whilst a prisoner of war, from which he still suffers. Notwithstanding the fact that his captors had some reason to punish him as a refractory prisoner, I am satisfied that they carried this punishment to unnecessary and unreasonable lengths, which may, for present purposes, be regarded as maltreatment. I find, therefore, that claimant has established the two necessary elements to his claim, viz., maltreatment whilst a prisoner of war, followed by resultant disability. Viewing all the circumstances, I would recommend a payment to claimant of \$1,000, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDUGALL,
Commissioner.

OTTAWA, November 30, 1931.

CASE 2256—NATHAN RICE

The claimant was a Private in the 1st C.M.R.,—Regimental number 17162. He enlisted in August, 1914, at the age of 25 years. He was taken prisoner April 24, 1915, during the second battle of Ypres, suffering from gunshot wound in the right wrist and finger and from gas. He was repatriated to England November 25, 1918. He was in receipt of a pension of \$15.00 per month, for one year, when it was commuted for \$50.00. It was based on need of rest, due to tuberculosis and limited movement of the hand. He is unmarried. Prior to enlistment, he was employed as a railway trainman and resumed this employment after discharge, but was laid off just before the hearing in Vancouver due to some infraction of the rules.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being compelled to work in the stone quarries, was struck, kicked and beaten, stabbed with a bayonet in the wrist. He complains of lack of medical treatment with injury to his eyes and wrist. It is noted that upon enlistment he bore a scar on his right wrist.

An analysis of the evidence reveals:—

Claimant spent the first six months of his captivity under treatment for his eyes. He feared that he was going blind from the effects of gas received before capture. He was well treated in hospital and when discharged he was sent to a working commando attached to Giessen camp. At a stone quarry—Huesten Gewerkschaft—he declares he was stabbed with a bayonet in the right wrist and beaten for failing to do the work required of him. He was unconscious for 24 hours following this treatment. Later, at another commando, he sustained an injury to the second finger of his right hand, but this seems to have been an accident. He complains that the grip in his right hand has been considerably weakened through these injuries. Claimant made 5 attempts to escape and underwent 4 courts martial and served many periods of solitary confinement. He speaks of other acts of abuse but lays emphasis only upon those above recited. Several affidavits have been filed in part corroborating claimant's testimony, but from their form (all identical in language) they do not carry great conviction.

Claimant has brought forward no medical evidence in support of his claim. He refers to his pension file, from which it appears that he was recommended rest due to tuberculosis of lungs, and it is noted that he has difficulty in grasping due to limited movement. There is nothing in the record indicating any report by claimant of the alleged injury due to a kick in the testicles. He refers to his gas blindness from which he has apparently completely recovered. The shrapnel injury to left wrist is noted as also the disabled finger of the right hand, but no mention is made of a scar on the right wrist.

In this state of the record, I do not consider that claimant had made out a case of present disability resulting from maltreatment whilst a prisoner of war. I was, at the outset, rather inclined to give claimant the benefit of the doubt, but upon examination of the pension files, I have felt that the doubt must be resolved in the contrary sense. On the whole, viewing all the circumstances, the claim fails. It must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 3, 1931.

CASE 2257—CAPTAIN DAROLD WATSON DAVIS

The claimant was a Captain in the Royal Flying Corps. He enlisted March 19, 1915, at the age of 19 years. He was taken prisoner December 21, 1916, having been shot down in an aeroplane outside Bapaume, suffering with a bullet wound in the left buttock. He was released to Holland in June, 1918, and repatriated to England November 26, 1918. He is in receipt of a 30 per cent pension, amounting to \$30.00 per month, based on weakness and pain in the back, left arm and shoulder and gunshot wound in the left buttock.

He was married October 29, 1929, and has no children. Prior to enlistment, he was employed as a Bank clerk, at a salary of \$1,400.00 per annum, and since his discharge, returned to banking and later worked for the Liquor Board of the Government of Alberta, at a salary of \$2,000.00 per annum.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of the use of explosive bullets with which he was wounded, denial of medical attention for his wounds, unsanitary and filthy living conditions, foot injury due to enforced use of wooden clogs, solitary confinement and poor food. He claims also for loss of personal effects. As a result, since discharge, he has had lengthy hospital treatment and his condition is getting worse through neglect and lack of treatment at the time when something could have been done for him.

An analysis of the evidence reveals:—

Claimant confines his claim to lack of proper and adequate medical attention whilst a prisoner in Germany. He alleges first, as an instance of maltreatment, that he was shot down with explosive bullets used by the flying officer who attacked him. This statement, standing alone, without clear corroboration, cannot be accepted. When he was brought down, claimant also sustained injury to his spine and complains bitterly that he received no medical attention for such injuries at the hospitals he was sent to. After capture, when he regained consciousness, claimant was at a field hospital, next at Cambrai, then Hanover and declares that apart from casual dressings he received no surgical treatment, such as he obviously required. He was removed to a prison camp at Karlshruhe before he was able to move about, made to wear wooden clogs which blistered and poisoned his feet, was transferred to Heidelberg, and then to Crefeld, and later to Strohenmoor. At the latter camp he complains of the unsanitary conditions, of being given 3 weeks' solitary confinement because it was alleged that his plane had contained propaganda leaflets. He does not allege any acts of brutality on the part of his captors, but protests that the food given him was not fit for a man in his condition, and that in hospital, due to the filth of his bed, he contracted bed sores, which set up an infection and poisoned his system.

The medical record indicates that claimant suffers from fracture of the 4th and 7th cervical vertebrae, 1st to 4th ribs dislocated, injury to nerve plexus. His percentage of disability is stated at 30 per cent in his own calling and at 100 per cent in the general labour market. Dr. J. A. Reid, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show an injury to the back, left arm and shoulder, with gunshot wound in buttock slight, for all of which he receives a pension.

It will be seen at once that claimant's injuries are directly the result of his war service. His effort to show that lack of medical attention aggravated the condition and has left him with a disability which he would not otherwise have had is not, in my opinion, supported by the evidence. Nor can he maintain, successfully, that the loss of his military clothing and equipment constitute a valid claim. This claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 6, 1931.

Commissioner.

CASE 2258—EDMUND JOHN HICKS

The claimant was a Lance-Corporal in the 3rd Battalion—Regimental number 9926. He enlisted in August, 1914, at the age of 21 years. He was taken prisoner April 24, 1915, at the second battle of Ypres, unwounded but suffering from gas poisoning. He was repatriated to England on December 7, 1918. He was in receipt of disability pension, based on "nephritis," but this pension was discontinued in September, 1919, for the reason that claimant neglected to report back to the Pension Board. He was married on October 17, 1921, but has no children. Prior to enlistment, he was a butcher's clerk earning \$16 per week, and is still so employed, at a present salary of \$20 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was struck on the cheekbone with a shovel, as a result of which he contracted a severe attack of erysipelas of the head, which in its turn induced the stomach trouble from which he alleges he now suffers.

An analysis of the evidence reveals:—

Claimant spent the first eight weeks of his captivity at Giessen camp, where, outside of food conditions, the treatment was fair. He was sent to a chemical factory at Mannheim, and remained attached to this camp for the duration of the war. He complains that the fumes in the factory, against which he was given no protection, injured his throat. He was injured in an accident and received no treatment, was hit in the back with butts of rifles and generally beaten. He emphasizes an incident which is alleged to have brought on erysipelas. A German guard hit him in the face with a shovel when exhibiting his skill as a bayonet instructor. Claimant declares the blow to have been intentional. He became ill, lost the hair on his head and was exempted from work for the remainder of his captivity. He still suffers as a result of this illness brought on in the manner indicated, and complains of his stomach condition.

The medical record indicates that claimant suffers from chronic gastric catarrh and colitis. The condition of erysipelas is also referred to. His percentage of disability is stated at 20 per cent. Dr. R. C. Griffith, who certifies to the foregoing, appeared before the Commission and gave very definite evidence as to claimant's impaired state of health, which he had no hesitation in attributing to claimant's experiences as a prisoner of war. He had known claimant before the war, and, while declaring that the patient is better now than when he first saw him after the war, he finds quite definite disablement. He speaks chiefly of the digestive condition, but mentions erysipelas as a contributing factor to the general impairment of claimant's health. Claimant's medical history files show also some heart affection, with possible kidney trouble.

In these circumstances, I am of opinion that claimant has made out a case of disability resulting from maltreatment whilst a prisoner of war. Leaving aside the digestive disturbance spoken of, the attack of erysipelas, induced by maltreatment, has left in its train some disability for which claimant is entitled to an award. I would recommend payment to him of \$500, with interest thereon, at the rate of 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 3, 1931.

CASE 2259—CHARLES SHERIDAN COOKE

The claimant was a Lance-Corporal in the 7th Battalion—Regimental number 16525. He enlisted in August, 1914, at the age of 48 years, although his attestation paper indicates his age was 45. He was taken prisoner April 24, 1915, during the second battle of Ypres, unwounded but suffering from a touch of gas. He was repatriated to England November 30, 1918. He is not in receipt of pension, and has not made application therefor. He is not married. Prior to enlistment, he earned about \$100 per month in British Columbia, at work not specified in his claim papers, and since his discharge acted as hotel manager until 1928, at a salary of \$150 per month. Had to abandon work until February, 1930, when he became a billiard room attendant at \$75 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of severe stomach disorders and gall stones necessitating operations, which trouble originated in Germany, due to exposure, lack of food and nourishment. Was compelled to work in a foundry and to lie on a stone floor. Food was very poor and insufficient and he became badly run down and contracted a severe cold. Suffered his first attack of gall bladder trouble at Geissen in 1917.

An analysis of the evidence reveals:—

Claimant does not complain of any acts of brutality at the hands of his captors, while at Geissen and Geisweid Iron Works. He declares, quite frankly, that some men were brutally treated but that, to a certain extent, they were to blame and brought punishment and ill usage upon themselves by truculent behaviour to the guards. Claimant has suffered greatly from gall stones which he attributes to exposure and poor food.

The medical record indicates that claimant suffered from gall stones in December, 1919, and January, 1920, and was attended therefor by Dr. R. McCaffrey, who furnishes a certificate to this effect. Dr. Robert McKechnie also certifies that he operated upon claimant in September, 1926, removing his gall bladder. The pathological diagnosis was "sub-acute exacerbation in a chronic cholecystitis with Choelithiasis."

It will be noted that claimant was not young upon enlistment and evidently was unable to stand the strain, as were others, of the food shortage in Germany. This condition was quite general, and as pointed out in opinion annexed to the present report, the failure to supply more and better food to prisoners of war cannot, in itself, be regarded as maltreatment. Even had claimant clearly demonstrated the connexity between his condition and the lack of food in Germany, I do not consider that this would have been sufficient to entitle him to an award from this Commission, unless he could have gone further and shown deliberate, intentional starvation. His recourse, if any, clearly, is elsewhere. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 10, 1931.

CASE 2260—THOMAS SMITH

The claimant was a Sergeant in Number Two Tunnelling Company—Regimental number 503410. He enlisted on January 6, 1915, at the age of 30 years. He was taken prisoner 2nd of June, 1916, with, Brigadier General Victor Williams, and was not wounded. He was repatriated to England, via Holland, in November, 1918. He is in receipt of disability pension, class 19, based upon conjunctivitis, amounting to \$26.00 (now apparently reduced to \$11.60), per month, including wife and children. He is married and has three children. Prior to enlistment, he was engaged in the Middlesboro Collieries, at Merritt,

B.C., as a shift boss in the mines, earning \$7.00 per day and appears also to have been employed with the British Columbia police. Since his discharge, he resumed his occupation with the Middlesboro Collieries as a night watchman until he received an appointment with the British Columbia police in 1926, and is now earning \$3.80 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that immediately after being taken prisoner his face and eyes were burned with liquid fire by German soldiers, that he received no medical attention for this trouble, nor for a wound in the leg, where he was shot by a German guard after capture. He complains also of long periods of punishment parade, blows from rifle butts, the unjustified use of disinfectants, causing injury, and being hit on the head by a German officer. He attributes to this treatment impaired vision and weakened heart condition.

An analysis of the evidence reveals:—

Claimant was captured with Brigadier-General Victor Williams. He declares that on the third of June, the day after he was captured a German under-officer hit him with a rifle butt on the left breast, knocking him to the ground, hit him again while he was down and then shot him in the leg just below the knee at the back. Shortly after this episode, when he was assisted to his feet, he was burnt in the face and eyes from flame used by a German patrol and alleges that he received no attention at any time in Germany for these injuries. Claimant was then taken to Dulmen Camp, as to which he has no particular complaints, except that he received no medical attention and was made to stand at attention for long hours at a time. From Dulmen, he was sent to Minden where he remained about a year and again complains that he received no medical attention although he requested it and was made again to stand at attention for long hours as punishment. Sent from Minden to Libau in Russia, camp EK 2, he speaks of conditions as very rough. He was smashed across the face by a German officer for declaring himself a Canadian and it was at this camp that an under-officer, under directions from officers, poured disinfectant over his head, which resulted in his hair coming out and his body being burned. On this occasion he was also hit behind the ear by an officer with a riding crop and was unconscious for about half an hour. A scar appears at the point of injury. From Libau, he was taken to a camp behind the lines at Cambrai, where he complains that he was beaten with rifle butts and forced to work loading transports. From Cambrai he returned to Minden and was repatriated from that camp. There is corroboration for claimant's statement as to the injuries to his face and eyes in the affidavits of two fellow prisoners, who declare that he was suffering badly from burns in the face and the wound in the leg, and was denied medical attention for these injuries.

The medical evidence indicates that claimant suffers from neurasthenia, recurrent conjunctivitis and disordered action of the heart. His percentage of disability is stated at 50 per cent. Dr. P. P. Smyth, who certifies to the foregoing, did not appear to give evidence, but has filed an additional certificate indicating treatments given claimant by him during the years 1929 and 1930. In addition to this medical certificate, there are filed certificates from Doctors G. H. Tutill, F. J. Buckley, and J. J. Gillies, certifying that they had attended claimant at various times for conjunctivitis and heart affection. Claimant's medical history files show that he is in receipt of a pension for conjunctivitis, but there is no mention of any other disability.

A very complete record has been made in this case, and I am of opinion that the claimant has been successful in showing that he has sustained disability as a result of maltreatment whilst a prisoner in Germany. There may be some question as to whether the burning of his face and eyes was deliberately

inflicted by the German patrol or was merely due to carelessness. The story related by claimant, which is corroborated to a certain extent by fellow prisoners, however, leaves me with the impression that claimant was deliberately maltreated and that his disabilities at the present time are greater than they would otherwise have been had he received some attention for his wounds. Claimant has also advanced a claim for loss of personal effects, at or shortly after capture. Without further corroboration of the loss of these effects, this portion of the claim cannot be allowed. Viewing the case as a whole, I would recommend a payment to claimant of \$1,000.00 with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 18, 1931.

CASE 2261—JOHN HARPER

The claimant was a Private in the 1st C.M.R.,—Regimental number 106270. He enlisted November 1, 1914, at the age of 20 years. He was taken prisoner June 2, 1916, at Ypres, suffering from wounds in the scalp and thigh. He was repatriated to England December 3, 1918. He is not in receipt of pension. He was married August 9, 1923, and has one child. Prior to enlistment, he was employed as a mechanic by the International Harvesting Company at Yorkton, Sask., earning \$100.00 per month, and since his discharge has been employed as manager of a battery station at \$200.00 per month.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of chronic rheumatism and susceptibility to colds as a result of his treatment in Germany. After capture he was sent to hospital at Coblenz, his wounds being infected and having inflammation of the lungs. He remained there six months. In January, 1917, placed in a working party with hours from sunrise to sunset with poor food and cold weather. Placed at work in an iron ore mine after an attempt to escape, and after two weeks of this he made another attempt to escape and travelled for four days toward the border of Holland and was retaken and suffered solitary confinement for three weeks. Later, after being carried all through Germany, he was placed at loading barges on the Rhine and was sent in December, 1917, to work on a bridge near Bonn. Here the punishment was severe. He was compelled to stand at attention all day facing the sun and all night facing a wall. If he moved one inch he was flogged with rifle butts. He was by this time a marked man. He was sent to the Kaiser's Vineyards on the Mozelle river where the work was very hard but the food was better. Here he commenced to suffer with rheumatism and throat trouble and took influenza. Made another attempt to escape and fell into the hands of U.S. troops. He was in a pitiable condition of exhaustion, was fed and sent to a clearing hospital, and thence to Belgium and on to England. He has since continually suffered from his throat, rheumatism and stomach disorders.

An analysis of the evidence reveals:—

Claimant's testimony bears out the foregoing summary of his experiences as a prisoner in Germany. It is evident from his testimony that the hardships he underwent were chiefly incurred whilst he was attempting to escape. He speaks of being beaten and having been made to stand at attention for long hours, but his testimony clearly shows that lack of food and starvation was his chief complaint and the probable cause of his present condition.

The medical record indicates that claimant suffers from sore throat, frequent colds and rheumatism. His percentage of disability is stated at 10 per cent in

his own calling, and 20 per cent in the general labour market. Dr. L. W. MacNutt, who certifies to the foregoing, did not appear before the Commission, but has filed a further certificate to the effect that claimant is in fairly good general health, but suffers from rheumatism in his hips and knees, but has not been confined to bed from these causes. Dr. C. H. Vrooman also certifies that claimant suffers from some chronic fibrositis and arthritis. Claimant's medical board upon discharge declares all systems normal.

I was impressed with the frankness of claimant when examined as a witness. He told a very straightforward story, but, in my opinion, the necessary elements to establish a recovery before this Commission are absent. Claimant has failed to discharge the burden of showing that maltreatment whilst a prisoner of war has resulted in disability to him. His present condition might well have been due to his service or to hardships endured whilst attempting to escape. Viewing all the circumstances, I have reached the conclusion to disallow the claim.

ERROL M. McDOUGALL,

OTTAWA, December 6, 1931.

Commissioner.

CASE 2262—HAVELOCK HARFORD

The claimant was a Private in the 1st C.M.R.—Regimental number 117022. He enlisted January 5, 1915, at the age of 24 years. He was taken prisoner June 2, 1916, at Ypres, and states that he was neither wounded nor gassed at the time of capture. The military record on file states that he had a gun shot wound in the left leg when captured. He escaped in September, 1918, and was repatriated to England October 26, 1918. He is not in receipt of pension, although, at first, he was given a gratuity of \$25.00 on account of debility. He is not married. Prior to enlistment, he was employed as a ranch helper making about \$400.00 per annum and board, and since his discharge has been engaged in farming.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of starvation, heavy work, confinement to cells, beatings and general abuse.

An analysis of the evidence reveals:—

Claimant spent the greater part of his period of captivity at Dulmen camp and working detachments in the vicinity. He made six attempts to escape, the last of which was successful. He does not complain particularly of brutal treatment, though he does refer to one instance of a severe thrashing for going sick. His main grievance is that he was starved and made to work when he was not fit, and as a result that his nerves have been seriously affected.

The medical record, consisting of a certificate from Dr. Charles Bouck, indicates very generally that claimant is in poor physical condition and very nervous. His medical history files show that he suffered from debility, for which he received a gratuity of \$25. The diagnosis is slight disordered action of the heart, which is said to have originated whilst a prisoner of war, due to overwork and lack of food.

This is one of the familiar cases in which claimant can show some impairment to his health, but cannot establish that this condition results from maltreatment whilst a prisoner of war. He underwent the usual hardships of prison camp life and perhaps received severe punishment for attempted escapes, but, for reasons explained in general Opinion annexed to the present report, I do not consider that this alone is sufficient to qualify claimant for an award from this Commission. His recourse, if any, is elsewhere. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 8, 1931.

Commissioner.

CASE 2263—THOMAS HENDERSON MITCHELL

The claimant was a Private in the 14th Battalion—Regimental number 463848. He enlisted on 9th August, 1915, at the age of 32 years. He was taken prisoner 7th September, 1916, suffering from a gunshot wound in the left thigh and two pieces of shrapnel in the right arm. He escaped to Holland in September, 1918, and was repatriated to England on the 18th November, 1918. He is not in receipt of disability pension. He was married after his discharge from the army and has four children. Prior to enlistment, he was engaged on pier work, and is now employed as a labourer, at the rate of \$4 per day.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was inoculated five times with blunt instruments, lost two teeth and had a thumb broken as a result of beatings, was put into a hot boiler room to sleep, and suffers from chronic rheumatism in the knees and hip.

An analysis of the evidence reveals:—

Claimant made four attempts to escape, the fourth of which was successful. He has no complaints as to his treatment at Courtrai or at Dulmen, where he was first taken after capture, except as to the manner in which he was inoculated 5 times with what he declares to have been "blunt instruments." He was sent to Rocklinghausen for a year. For an attempted escape he was beaten and had two teeth knocked out with the butt of a rifle. In a melee which resulted from refusal to work on Sunday his thumb was broken. The statement of his experiences in Germany and of the camps where he was held is very confused, but he complains of long hours, rough treatment (particularly after unsuccessful attempts to escape), being made to stand to attention in the cold and as punishment made to sleep above a boiler room where he says he was being "slowly roasted."

The medical record is very incomplete. A letter of Dr. R. F. W. Lees is filed indicating that claimant suffers from chronic rheumatism, chiefly in the knees and hips. No percentage of disability is stated. Dr. Lees did not appear before the Commission. The last medical board, upon discharge of claimant from the service, shows "all systems normal."

In this state of the record it is clearly impossible to reach the conclusion that claimant's present condition results from maltreatment whilst a prisoner of war. He has failed to discharge the burden of showing the connexity between his present condition and any maltreatment at the hands of the enemy. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2265—ALEXANDER BERRY

The claimant was a Private in the 113th Battalion—Regimental number 503472. He enlisted November 19, 1915, at the age of 34 years. He was taken prisoner June 2, 1916, unwounded but suffering from a touch of gas. He was repatriated to England December 31, 1918. He is in receipt of a 40 per cent disability pension, amounting to \$30 per month, based on Myocarditis. He is not married. Prior to enlistment, he was employed as a general labourer, earning an average of 30 cents an hour, and since his discharge has had no steady employment of any kind.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of being forced to work without food, punishment parades, confinement for attempts to escape, and bayonet wound in side.

An analysis of the evidence reveals:—

Claimant's early treatment as a prisoner in Germany was without particular incident. He lacked food and was made to work, but does not complain of any specially brutal treatment. First sent to Dulmen camp, he was transferred to Duisburg, at which latter camp, with other prisoners, he went on strike because they were not being fed. The result was a period of 4 hours standing to attention in the sun, followed by a moderate beating by the guards. For an attempted escape, claimant received the usual punishment of confinement to cells—21 days in this case. He was sent to a punishment camp, where again the prisoners struck as a protest against the lack of food. Claimant was regarded as a ringleader and was roughly handled. Sent to Merseberg, conditions became even harsher. For disputing with a sentry as to the outcome of the war, claimant received a bayonet wound in the side, from which he suffered for a time, but which has left no permanent disability. Upon another occasion he was struck across the back by a guard for failing to lift a rail as required. At the time he was suffering severely with haemorrhoids, but was compelled to continue working. All medical attention was denied him. Claimant now complains that his heart has been affected, that he suffers from rheumatism and haemorrhoids and is unable to do any heavy work.

The medical record indicates that claimant suffers from myocarditis and endocarditis (mitral Stenosis). His percentage of disability is stated at 100 per cent. Dr. D. G. Stanley, who certifies to the foregoing, did not appear before the Commission. Claimant's medical files bear out the diagnosis of myocarditis, for which he receives a pension. His medical board, upon discharge from the service, shows all systems normal.

Until the latter part of his period of captivity claimant would appear to have received very much the same treatment as other prisoners, but later, possibly because of a certain obstinacy and defiance of manner, he was subjected to abuse. I am of opinion that the treatment so accorded claimant was unreasonable and of such violence as to react detrimentally upon his health. In these circumstances, therefore, I consider that claimant has established his right to an award, and I would recommend payment to him of \$500, with interest thereon, at 5 per cent per annum, from the 10th day of January, 1920, to date of payment.

ERROL M. McDUGALL,
Commissioner.

OTTAWA, December 1, 1931.

CASE 2266—ROBERT GRAY

The claimant was a Private in the 137th Battalion—Regimental number 808243. He enlisted January 20, 1916, at the age of 30. He was taken prisoner December 11, 1917, suffering from wounds in both legs. He was repatriated to England January 3, 1919. He is not in receipt of pension, but has applied therefor. In 1921 he received a gratuity of \$100 after hospitalization, the reason assigned being "difficulty in walking". Prior to enlistment, he was in the employ of the City of Calgary, as a teamster, but since his discharge has done casual work only. He was, at the time of the hearing, unemployed.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he suffers from excessive cold and weakness in both feet and legs as a result of the limbs having been frozen through undue exposure, and of having been compelled to work whilst a wound in the leg was still discharging.

An analysis of the evidence reveals:—

Claimant was a prisoner in Germany for about a year, the first 3½ months whereof he spent in hospitals at Douai, Tournai and Ingolstadt. His major complaint is that while being transferred from Tournai to Ingolstadt, he was left lying on a stretcher in zero weather without proper covering and that both his legs became frozen. He was wounded and could not help himself. As a result he still suffers with his legs, which cannot stand the cold and are greatly weakened. Discharged from hospital, where he declares the dressings for his wounds were inadequate, he was sent to Beyruth prison camp and made to work while the wound in his left leg was still discharging. Later he was sent to a farm, where the work was heavy but not beyond his ability to accomplish. Claimant's case is that his health has been impaired through exposure and lack of proper medical treatment.

The medical record indicates that claimant suffers from impaired hearing of right ear (not attributed to enemy action), oral sepsis, infected tonsils, enlarged cervical lymph nodes, vascular hypertension, general muscular spasticity and varicose veins of the legs. His percentage of disability is stated at 40 per cent. Dr. H. W. McGill, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show that he was operated upon for varicose veins (which were slightly apparent upon enlistment). It is noted that the gunshot wound in the legs have left no disability, but that there is weakness in these members, for which he receives pension.

The point which claimant stresses in his testimony—the freezing of his legs—would require corroboration, and I am not satisfied that a present disability results from this incident, even were it clearly proven. The leg weakness may as readily be ascribed to the service wounds received by claimant and the varicose condition noted. In this state of the record I do not consider that claimant has discharged the burden of showing that as a result of maltreatment he suffers from a present disability. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 3, 1931.

CASE 2267—THOMAS ATKINSON

The claimant was an Imperial, Private in the Queen's Royal West Surrey Regiment. He enlisted December 9, 1902, and was called from the reserve on August 14, 1914, at the age of 33 years—Regimental number 7648. He was taken prisoner October 31, 1914, at Ypres, unwounded. He was repatriated to England December 14, 1918. He came to Canada to reside in 1909. He is not in receipt of a Canadian pension, but states that he applied for and received an Imperial pension but gives no particulars. This is contradicted by his answers to the question relating to pension on his claim forms to which he replies "None". He was married at the time of enlistment and had then one child, but is now the father of seven. Prior to enlistment, he was employed with the Waterworks Department of the City of Calgary, earning about \$2.70 per day, and since his discharge returned to same work, and now earns about \$4.90 per day.

He alleges that while a prisoner he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of blows and beatings, lack of medical attention, starvation, heavy work in the coal mines, and general abuse. He now suffers from Bright's disease which he attributes to poor food and living conditions.

An analysis of the evidence reveals:—

Claimant, though he served with the Imperials, was a resident of Canada before the war, and I therefore consider that the case may receive consideration from this Commission. He was captured early in the war, and, though his experiences were trying, whilst a prisoner, he appears to have come through remarkably well, perhaps because he was an old soldier who had seen previous service and had gained experience. At Guströ, in Mecklenburg, on Christmas Eve, 1914, he was struck in the mouth by a German guard for no apparent reason and lost two teeth. Sent to several other camps, where the treatment was rough, but without special incident, he was finally sent to the coal mines at Ospel (sic) where he remained for $3\frac{1}{2}$ years. Claimant had been a miner and understood this work. He complains of the usual knocking about for not doing the work given him, and of general maltreatment. On one occasion, for refusing to work on Christmas Day, he, with others, was lined up before a firing squad, but the threat was countermanded by an officer.

The medical record consists of the certificate of Dr. Lewis Clark, from which I extract the following: "Owing to inhuman treatment and exposure in November and December, 1914, the patient contracted chronic Bright's disease. The diseased kidneys developed a relapse in November, 1922, when he suffered an acute nephritis for 2 months". It is difficult to say how so definite a statement as to the origin of claimant's malady could be made in 1931, but it is entitled to weight in the absence of other medical evidence. He continues by declaring that claimant has no great disability, but may have trouble should there be a recurrence of the kidney trouble.

The medical evidence in this case is not very satisfactory and were it not that claimant spent over 3 years in the coal mines, where we know of the conditions of brutality which existed, I would have difficulty in finding him entitled to an award. On the whole, however, after a very careful scrutiny of the evidence, I have reached the conclusion that claimant has made out a case of some present disability, resulting from maltreatment, whilst a prisoner of war. I would, accordingly, recommend a payment to him of \$700, with interest thereon, at the rate of 5 per cent per annum, from January 10, 1920, to date of payment.

ERROL M. McDOUGALL,
Commissioner.

OTTAWA, December 4, 1931.

CASE 2286—GORDON PIRRIE FIDDES

The claimant was a Private in the 1st C.M.R.—Regimental No. 117018. He enlisted January 12, 1915, at the age of 21 years. He was taken prisoner June 2, 1916, suffering from a shrapnel wound in the right leg. He was repatriated to England November 28, 1918. He was in receipt of a 5 per cent disability pension, based on the gunshot wound in the right leg and varicose veins, but this pension was commuted. It would seem, from the military records, that this pension is still in force. He was married but states that he is now divorced. There are no children. Prior to enlistment, he was employed as a ranch hand at \$40.00 per month and board, and since his discharge has been doing ordinary labouring work, at an average of \$25.00 per week.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of lack of medical attention to his wounded leg and of being compelled to work while suffering from it. He was given several periods of standing at attention for stretches of from 6 to 10 hours for not doing enough work and was prodded with bayonets.

if he weakened under the strain. He struck a civilian guard, who had hit him, and was placed in dark cells for 7 days without food. He also complains of the starvation rations.

An analysis of the evidence reveals:—

Claimant's testimony substantiates the above summary of his complaint as contained in statement of claim. At Dulmen he has little to complain of, apart from the shortage of food. It was at Engers that claimant received his worst treatment, his main complaint being that he was made to stand at attention for long hours, after working hours, and was not fit to stand this punishment in his weakened condition. Lack of medical attention to his wounded leg is charged, but the evidence does not bear out the contention.

The medical record indicates that claimant suffers from neurosis, spells of dizziness, headaches and insomnia. His percentage of disability is stated at 50 per cent. Dr. Fox, who certifies to the foregoing, did not appear before the Commission. There is nothing in claimant's medical history files indicating disability, except as to his original wounds.

In this state of the record I do not consider that I am justified in finding in claimant's favour. His recourse, if any, is before the Board of Pension Commissioners. As stated in other cases, many claimants seem to regard applications made before this Commission as Pension cases or appeals from decisions of that Commission. Obviously that is not the case. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 8, 1931.

CASE 2293—SAMUEL WILLIAM RHODES

The claimant was a Private in the 29th Battalion—Regimental No. 76038. He enlisted November 9, 1914, at the age of 25 years. He was taken prisoner April 19, 1916, at St. Eloi, suffering from a gunshot wound in the face. He was repatriated to England December 15, 1918. He is not in receipt of pension, and has not made application therefor. Prior to enlistment, he was employed as a chauffeur, earning about \$100.00 per month, and since his discharge he has been employed both as a barber and chauffeur, but his earnings are less than before.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of insufficient food, beatings by the guards for assisting in the escape of fellow prisoners, and of not being allowed to see the doctor when ill, but being forced to work. He now suffers periodic attacks of nausea and headache.

An analysis of the evidence reveals:—

Claimant was a prisoner at Giessen camp, Halberstadt and Limbusch. He has no complaints as to Giessen, except as to the poor quality and inadequacy of the food. For attempting to escape from Halberstadt he was sent back to Giessen, served 12 days solitary confinement. He was not beaten until he reached Limbusch, when, for assisting another prisoner to escape, he received a severe thrashing. A few days later he was again beaten for reporting sick, but apparently no permanent injury resulted. The complaint is of a general nature and relates chiefly to starvation and confinement. He declares he suffers from headaches, nausea at times, and is unable to carry on.

The medical record is very incomplete. It indicates that claimant suffers from "headache vomiting (periodic)." His percentage of disability is stated at 25 per cent. Dr. C. E. Gillies, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files reveal nothing unusual, but they do contain statements made by claimant upon repatriation. This state-

ment is confined solely to an account of maltreatment to another prisoner of war, an Irishman. He does not say anything of any ill treatment to which he was himself subjected.

I am inclined to think that claimant is under the misapprehension, as are many claimants, that this Commission is empowered to grant punitive damages. As has been pointed out in Opinion annexed to the present report, this, clearly, is not the case. Claimant has failed to establish that he suffers a present disability resulting from maltreatment whilst a prisoner of war. His claim, accordingly, fails, and must be disallowed.

ERROL M. McDOUGALL,

OTTAWA, December 10, 1931.

Commissioner.

CASE 2319—WALTER SCOTT

The claimant was a Private in the 1st C.M.R.—Regimental No. 108522. He enlisted January 2, 1915, at the age of 29 years. He was taken prisoner May 2, 1916, suffering from a shrapnel wound in the head. He was repatriated to England November 24, 1918. He is not in receipt of pension and has not made application therefor. The report on file from the military authorities states that he is receiving treatment at the sanitarium at Tranquille, B.C., for tuberculosis. He is unmarried. Prior to enlistment, he was employed as a telephone linesman, earning about \$130.00 per month, and since his discharge has had various occupations, cooking in camps, earning \$60.00 per month and board. He was unemployed at the time of the hearing.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains that he was struck on the head by a German guard and knocked unconscious, was beaten and confined for attempting to escape, was made to do heavy work on smelting ovens, with injury to his lungs. He now suffers from a bad cough and continued colds.

An analysis of the evidence reveals:—

Claimant complains of only one incident of maltreatment at Dulmen camp, where he was first sent. He was hit over the head with a rifle butt and knocked unconscious for failing to understand an order given in German. Later for an attempted escape from Hambourn (sic) camp he was stripped and flogged with a rubber hose, but admits that no permanent injury resulted. In addition he received 21 days' solitary confinement. He speaks of other beatings at this camp for not doing all the work required of him, and complains that his chest and lungs have suffered in consequence. He was also made to work on blast furnaces, but says practically nothing about this.

The medical record indicates that claimant suffers from a diffuse bilateral miliary type of pulmonary tuberculosis involving the upper two-thirds of both lungs, the prognosis being very grave. Dr. F. W. Lees, who certifies to the foregoing, did not appear before the Commission. Claimant's medical history files show that he is suffering from tubercular trouble. His last medical board, upon discharge from the service, declared "all systems normal."

It is difficult in a case such as this to ascribe claimant's chest condition to maltreatment whilst a prisoner of war. He underwent the general conditions prevailing in most of the camps, and none of the incidents related by him would seem to have brought on the malady complained of, except in the sense of lowering his powers of resistance to disease. I consider this case, if the disability is established, as one for consideration by the Board of Pension Commissioners. As far as this Commission is concerned, I must, accordingly, disallow the claim.

ERROL M. McDOUGALL,

OTTAWA, December 8, 1931.

Commissioner.

CASE 2320—ANTHONY F. PLUMMER

The claimant was a Signaller with the 29th Battalion, Regimental No. 645887. He enlisted February 23, 1916, at the age of 23 years. He was taken prisoner April 21, 1917, unwounded. He was repatriated to England December 10, 1918. He is not in receipt of pension and has made no application therefor. He was married after discharge and has two children. Prior to enlistment he was a Civil Engineer earning about \$125.00 per month, and since his discharge has been employed as a log broker at about \$200.00 per month.

He alleges that while a prisoner of war he was subjected to maltreatment which has resulted in pecuniary damage to him. He complains of crowded and unsanitary living conditions, lack of food, no bedding or blankets for three months. Was compelled to work 14 hours per day and was beaten once by a guard for not being able to keep up with the work. He received no parcels for a year but states that conditions improved after August, 1917. He contracted dysentery and complains of lack of medical attention while a prisoner.

An analysis of the evidence reveals:—

Claimant's case relates to the early period of his captivity, when with other prisoners, he was thrown into Fort McDonald prison for several days. The conditions of ventilation and accommodation were very bad and claimant attributes general impairment of his health thereto. It is stated that the prisoners were thus dealt with by way of reprisal by the Germans for reported similar treatment given their prisoners. Claimant complains that he received no medical attention for dysentery from which he suffered at a later camp, and was made to work when so suffering. He is quite frank in saying that though he received a beating no injury resulted, and that later in East Prussia he received excellent treatment. He admits that he is fairly well now but has fears for the future. Claimant's case was heard provisionally in Vancouver on January 22, 1931, as having been received after the expiry date. He again appeared before the Commission on October 9, 1931, declared he still felt well but that he did not know how long he would remain so.

There is no medical evidence of record, not even the usual certificate of a physician. Claimant's last medical board upon discharge from the service shows no disability, all systems being declared normal.

In this state of the record it is obviously impossible to find in claimant's favour. He has failed to establish a present disability resulting from maltreatment whilst a prisoner of war. The claim must, accordingly, be disallowed.

ERROL M. McDOUGALL,

Commissioner.

OTTAWA, December 6, 1931.

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